



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 6**

**1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202 – 2733**

VIA FOIAOnline

Daniel Stevens  
Campaign for Accountability  
611 Pennsylvania Avenue S.E. #337  
Washington, DC 20003

RE: Freedom of Information Act (FOIA) Request: EPA-R6-2018-004512

Dear Mr. Stevens:

This letter concerns the above-referenced FOIA request, received by the U.S. Environmental Protection Agency on February 16, 2018, in which you requested,

“...1) All records reflecting communications (including emails, email attachments, text messages, telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, or other materials) to, from, or between EPA Region 6 employees including Ursula Lennox, that contain the following search terms: a) “Tar Creek” b) “LICRAT” c) “State Auditor” d) “Gary Jones” e) “Scott Pruitt” f) “Mark Osborn” g) “Jack Dalrymple” h) “Andy Lester” i) “CWF Enterprises” Please provide all responsive records from January 1, 2012 to December 31, 2013...”

EPA has concluded its search and review for responsive records. The records have been uploaded to the FOIAonline system. You can access your records by going to FOIAonline at <https://foiaonline.gov/foiaonline/action/public/home> and searching by your FOIA request number. However, some of the responsive records are being withheld in full and in part because they are exempt from the mandatory disclosure requirements pursuant to 5 U.S.C. § 552(b)(2) – Internal Personnel Rules and Practices, 5 U.S.C. § 552(b)(3)(A) – 42 U.S.C. § 7412(r)(7)(H)(v); Title III - Omnibus Crime Control Safe Streets Act of 1968; 18 U.S.C. § 2518(8)(b), 5 U.S.C. § 552(b)(5) – Deliberative Process, 5 U.S.C. § 552(b)(6) – Personally Identifiable Information, and 5 U.S.C. § 552(b)(7) – Law Enforcement – Personal. Additionally, redacted document ID9796462 has been claimed confidential and may contain trade secrets or commercial or financial information which is exempt from disclosure under 5 U.S.C. § 552(b)(4). Pursuant to 40 C.F.R. 2.204 (d)(1), your request for this aforementioned record is being initially partially denied because further inquiry by EPA is required before a final determination on this request can be made. We will consult with the third party in connection with their business confidentiality claim(s) covering these records, and the Office of Regional Counsel will issue a final confidentiality determination. EPA anticipates issuing the final determination on this request by June 7, 2019. The withheld records are listed on the enclosed denial log.

This letter concludes our response to your request under tracking number EPA-R6-2018-004512. A new tracking number EPA-R6-2019-000850 has been assigned to your request to track the final determination process concerning the information that may contain exempt trade secrets or commercial or financial information. As noted above, the information withheld under Exemption 4 will be reviewed

by the appropriate legal office, which will issue a final confidentiality determination. Therefore, you do not need to appeal the withholding of information under Exemption 4. Once the legal office issues a final confidentiality determination, EPA will notify you whether the information qualifies for confidential treatment or may be released. To the extent you would like to appeal any other issue, including any non-Exemption 4 withholdings, you may appeal this response by email at [hq.foia@epa.gov](mailto:hq.foia@epa.gov), or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 5315, Washington, DC 20001. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals *received* after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769.

If you have any questions concerning this response, please contact Diana Ortiz at [ortiz.diana@epa.gov](mailto:ortiz.diana@epa.gov).

Sincerely,

12/10/2018

 James McDonald

James McDonald

Signed by: JAMES MCDONALD

Assistant Regional Administrator for  
Management

Enclosure (1)

This paper is printed with vegetable-oil-based inks and is 100-percent postconsumer recycled material,  
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DOC ID	DATE	PAGE#	TITLE	ADDRESSEE	AUTHOR
9874117	03/05/2013	2	ORDER - UNITED STATES OF AMERICA, ET AL VS. CWF ENTERPRISES INCORPORATED, ET AL - CIV-12-462-R	None (NONE SPECIFIED)	None (U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA)
9879204	03/05/2013	2	ORDER - UNITED STATES OF AMERICA, ET AL VS. CWF ENTERPRISES INCORPORATED, ET AL - CIV-12-462-R	None (NONE SPECIFIED)	None (U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA)
9879211	03/05/2013	2	ORDER - UNITED STATES OF AMERICA, ET AL VS. CWF ENTERPRISES INCORPORATED, ET AL - CIV-12-462-R	None (NONE SPECIFIED)	None (U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA)
9879216	03/05/2013	2	ORDER - UNITED STATES OF AMERICA, ET AL VS. CWF ENTERPRISES INCORPORATED, ET AL - CIV-12-462-R	None (NONE SPECIFIED)	None (U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA)
9879221	03/05/2013	2	ORDER - UNITED STATES OF AMERICA, ET AL VS. CWF ENTERPRISES INCORPORATED, ET AL - CIV-12-462-R	None (NONE SPECIFIED)	None (U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA)

\*Applications made and orders granted under this chapter shall be sealed by the judge.

DOC ID	DATE	PAGE#	TITLE	ADDRESSEE	AUTHOR
9874116	03/04/2013	3	THE GOVERNMENTS NOTICE OF ELECTION TO DECLINE INTERVENTION - UNITED STATES OF AMERICA, ET AL VS. CWF ENTERPRISES INCORPORATED, ET AL - CIV-12- 462-R	None (NONE SPECIFIED)	Coats, Sanford (U.S. DISTRICT COURT)
9879203	03/04/2013	3	THE GOVERNMENTS NOTICE OF ELECTION TO DECLINE INTERVENTION - UNITED STATES OF AMERICA, ET AL VS. CWF ENTERPRISES INCORPORATED, ET AL - CIV-12- 462-R	None (NONE SPECIFIED)	Coats, Sanford (U.S. DISTRICT COURT)
9879210	03/04/2013	3	THE GOVERNMENTS NOTICE OF ELECTION TO DECLINE INTERVENTION - UNITED STATES OF AMERICA, ET AL VS. CWF ENTERPRISES INCORPORATED, ET AL - CIV-12- 462-R	None (NONE SPECIFIED)	Coats, Sanford (U.S. DISTRICT COURT)
9879215	03/04/2013	3	THE GOVERNMENTS NOTICE OF ELECTION TO DECLINE INTERVENTION - UNITED STATES OF AMERICA, ET AL VS. CWF ENTERPRISES INCORPORATED, ET AL - CIV-12- 462-R	None (NONE SPECIFIED)	Coats, Sanford (U.S. DISTRICT COURT)

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DOC ID	DATE	PAGE#	TITLE	ADDRESSEE	AUTHOR
9879220	03/04/2013	3	THE GOVERNMENTS NOTICE OF ELECTION TO DECLINE INTERVENTION - UNITED STATES OF AMERICA, ET AL VS. CWF ENTERPRISES INCORPORATED, ET AL - CIV-12-462-R	None (NONE SPECIFIED)	Coats, Sanford (U.S. DISTRICT COURT)
9874115	04/26/2012	59	COMPLAINT - UNITED STATES OF AMERICA, ET AL, VS CWF ENTERPRISES INCORPORATED, ET AL - CASE NO. CIV-12-462-R	None (NONE SPECIFIED)	Barron, Zachary (GIBBON BARRON & BARRON PLLC)
9879202	04/26/2012	59	COMPLAINT - UNITED STATES OF AMERICA, ET AL, VS CWF ENTERPRISES INCORPORATED, ET AL - CASE NO. CIV-12-462-R	None (NONE SPECIFIED)	Barron, Zachary (GIBBON BARRON & BARRON PLLC)
9879209	04/26/2012	59	COMPLAINT - UNITED STATES OF AMERICA, ET AL, VS CWF ENTERPRISES INCORPORATED, ET AL - CASE NO. CIV-12-462-R	None (NONE SPECIFIED)	Barron, Zachary (GIBBON BARRON & BARRON PLLC)
9879219	04/26/2012	59	COMPLAINT - UNITED STATES OF AMERICA, ET AL, VS CWF ENTERPRISES INCORPORATED, ET AL - CASE NO. CIV-12-462-R	None (NONE SPECIFIED)	Barron, Zachary (GIBBON BARRON & BARRON PLLC)

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DOC ID	DATE	PAGE#	TITLE	ADDRESSEE	AUTHOR
9874139	UNDATED	7	DRAFT FINAL RESPONSE TO 01/28/2013 INSPECTOR GENERAL FINDINGS ON TAR CREEK	Debiew, Edwin (U.S. EPA)	Edlund, Carl, E (U.S. EPA)

DOC ID	DATE	PAGE#	TITLE	ADDRESSEE	AUTHOR
R06-9796912	04/02/2013	2	[REDACTED] TRANSMITTAL OF STATE SUPERFUND CONTRACT COST SHARE CONCERNS, EPA 03/12/2013 LETTER REGARDING DISTAL 2 PROPERTY, AND PROPERTY OWNER RESPONSE TO THE SAME	SULLIVAN,ROBERT (U.S. EPA)	LENNOX,URSULA,R (U.S. EPA)
R06-9796914	03/22/2013	10	[REDACTED] CITIZEN RESPONSE TO 03/12/2013 EPA LETTER REGARDING HIS TAR CREEK DISTAL 2 PROPERTY	LENNOX,URSULA,R (U.S. EPA)	NONE (REMOVED DUE TO FOIA EXEMPTION 6)
R06-9796915	04/25/2012	3	[REDACTED] TRANSMITTAL OF TAR CREEK TRUST PUBLIC MEETING AGENDA AND PACKET FOR THE 04/26/2012 TRUST MEETING	COLEMAN,SAM (U.S. EPA)	COATS,JANETTA (U.S. EPA)
R06-9796916	04/25/2012	2	[REDACTED] TRANSMITTAL OF PUBLIC TRUSTEES MEETING AGENDA, LEAD-IMPACTED COMMUNITIES RELOCATION ASSISTANCE TRUST, AND ACCOUNTANTS REPORTS AND FINANCIAL STATEMENTS	LENNOX,URSULA,R (U.S. EPA)	COATS,JANETTA (U.S. EPA)
R06-9796917	01/19/2012	4	[REDACTED] TRANSMITTAL OF AN ACT - BILL NO. 1463 - REPOPULATION OF RELOCATION ZONE	HUGHES,ANGELA (OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY)	LENNOX,URSULA,R (U.S. EPA)

DOC ID	DATE	PAGE#	TITLE	ADDRESSEE	AUTHOR
R06-9796921	02/03/2012	3	[REDACTED] NOTIFICATION REGARDING POSTPONE THE REPOPULATION OF RELOCATION ZONE MEETING	LUEDECKE,JAMES (QUAPAW TRIBE OF OKLAHOMA)	HUGHES,ANGELA (OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY)
R06-9796922	02/03/2012	3	[REDACTED] RESPONSE TO NOTIFICATION REGARDING POSTPONE THE REPOPULATION OF RELOCATION ZONE MEETING	HUGHES,ANGELA (OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY)	KENT,TIM (QUAPAW TRIBE OF OKLAHOMA)
R06-9796923	01/20/2012	4	[REDACTED] RESPONSE TO NOTIFICATION REGARDING POSTPONE THE REPOPULATION OF RELOCATION ZONE MEETING	LENNOX,URSULA,R (U.S. EPA)	HUGHES,ANGELA (OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY)
R06-9796924	01/20/2012	6	[REDACTED] PHOTOGRAPHIC OF ILLEGAL DUMPING WITH TRANSMITTAL	HUGHES,ANGELA (OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY)	DALRYMPLE,JACK (MIAMI ENGINEERING SERVICES LLC)
R06-9796925	01/23/2012	5	[REDACTED] RESPONSE TO POSTPONE THE REPOPULATION OF RELOCATION ZONE MEETING	HUGHES,ANGELA (OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY)	LENNOX,URSULA,R (U.S. EPA)
R06-9796926	01/20/2012	6	[REDACTED] DISCUSSION REGARDING ILLEGAL DUMPING AND REPOPULATION OF RELOCATION ZONE	DALRYMPLE,JACK (MIAMI ENGINEERING SERVICE LLC)	COATS,JANETTA (U.S. EPA)



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R06-9796932	04/26/2012	1	[REDACTED] SIGN-IN SHEET FOR TAR CREEK POST BUYOUT COORDINATION MEETING - 04/26/2012	None (NONE SPECIFIED)	None (NONE SPECIFIED)
R06-9796937	04/02/2013	2	[REDACTED] TRANSMITTAL OF STATE SUPERFUND CONTRACT COST SHARE CONCERNS, EPA 03/12/2013 LETTER REGARDING DISTAL 2 PROPERTY, AND PROPERTY OWNER RESPONSE TO THE SAME, WITH NOTIFICATION OF TWO TAR CREEK CONFERENCE CALLS	SULLIVAN,ROBERT (U.S. EPA)	LENNOX,URSULA,R (U.S. EPA)
R06-9796938	04/01/2013	2	[REDACTED] STATE SUPERFUND CONTRACT UPDATE - COST SHARE	None (NONE SPECIFIED)	None (NONE SPECIFIED)
R06-9796461	04/25/2012	3	[REDACTED] TRANSMITTAL AND DISCUSSION OF LEAD-IMPACTED COMMUNITIES RELOCATION ASSISTANCE TRUST AGENDA - PUBLIC MEETING 04/26/2012, AUDIT SCOPE AND RESULTS, AND ACCOUNTANTS' REPORTS AND FINANCIAL STATEMENTS	COLEMAN,SAM (U.S. EPA)	COATS,JANETTA (U.S. EPA)
R06-9796463	05/01/2013	6278	[REDACTED] DEFENSE EXHIBITS 1216 - 1378	None (NONE SPECIFIED)	NONE (HARRIS COUNTY CLERKS OFFICE)
R06-9796464	04/09/2013	4	[REDACTED] TRANSMITTAL OF LETTERS REGARDING RESTORATION WORK FOR EPA ON PROPERTY DISTAL 2	NONE (REMOVED DUE TO FOIA EXEMPTION 6)	LENNOX,URSULA,R (U.S. EPA)

DOC ID	DATE	PAGE#	TITLE	ADDRESSEE	AUTHOR
R06-9796465	03/12/2013	9	[REDACTED] EPA RESPONSE TO INQUIRIES INVOLVING THE RESTORATION WORK COMPLETED ON PROPERTY DISTAL 2 AT TAR CREEK	NONE (REMOVED DUE TO FOIA EXEMPTION 6)	LENNOX,URSULA,R (U.S. EPA)
R06-9797004	04/01/2013	2	[REDACTED] STATE SUPERFUND CONTRACT UPDATE - COST SHARE CONCERNS	None (NONE SPECIFIED)	None (NONE SPECIFIED)

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R06-9796902	06/03/2013	4	[REDACTED] REMINDER FROM CITIZEN THAT HE HAS NOT RECEIVED A RESPONSE TO HIS 03/22/2013 LETTER REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	LENNOX,URSULA,R (U.S. EPA)	NONE (REMOVED DUE TO FOIA EXEMPTION 6)
R06-9796903	05/10/2013	4	[REDACTED] INQUIRY FROM CITIZEN ABOUT AN EPA RESPONSE REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	LENNOX,URSULA,R (U.S. EPA)	NONE (REMOVED DUE TO FOIA EXEMPTION 6)
R06-9796904	04/09/2013	4	[REDACTED] CITIZEN ACKNOWLEDGEMENT OF 04/09/2013 EPA RESPONSE TO FORWARDED EMAILS REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	LENNOX,URSULA,R (U.S. EPA)	NONE (REMOVED DUE TO FOIA EXEMPTION 6)
R06-9796905	04/09/2013	4	[REDACTED] TRANSMITTAL OF EPA RESPONSE TO CITIZEN REGARDING CONCERNS INVOLVING HIS TAR CREEK DISTAL 2 PROPERTY, AND HIS RESPONSE TO THE SAME	NONE (REMOVED DUE TO FOIA EXEMPTION 6)	LENNOX,URSULA,R (U.S. EPA)

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R06-9796906	04/09/2013	4	[REDACTED] TRANSMITTAL OF EPA RESPONSE TO CITIZEN REGARDING CONCERNS INVOLVING HIS TAR CREEK DISTAL 2 PROPERTY, AND HIS RESPONSE TO THE SAME	NONE (REMOVED DUE TO FOIA EXEMPTION 6)	LENNOX,URSULA,R (U.S. EPA)
R06-9796907	03/17/2013	3	[REDACTED] NOTIFICATION OF FORTHCOMING RESPONSE TO RECEIVED ON 03/16/2013 EPA LETTER REGARDING DISTAL 2 PROPERTY	LENNOX,URSULA,R (U.S. EPA)	NONE (REMOVED DUE TO FOIA EXEMPTION 6)
R06-9796908	03/04/2013	3	[REDACTED] EPA ADVISEMENT OF RESPONSE BEING PREPARED REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	NONE (REMOVED DUE TO FOIA EXEMPTION 6)	LENNOX,URSULA,R (U.S. EPA)
R06-9796909	03/04/2013	3	[REDACTED] ACKNOWLEDGMENT OF NOTIFICATION THAT AN EPA RESPONSE TO CITIZEN CONCERNS WITH DISTAL 2 PROPERTY IS BEING PREPARED	LENNOX,URSULA,R (U.S. EPA)	CHANDLER,SUSAN (U.S. EPA)
R06-9796910	03/04/2013	2	[REDACTED] NOTIFICATION THAT AN EPA RESPONSE TO CITIZEN CONCERNS WITH DISTAL 2 PROPERTY IS BEING PREPARED	CHANDLER,SUSAN (U.S. EPA)	LENNOX,URSULA,R (U.S. EPA)

DOC ID	DATE	PAGE#	TITLE	ADDRESSEE	AUTHOR
R06-9796911	06/04/2013	3	[REDACTED] REQUEST TO DISCUSS RESTORATION WORK ON DISTAL 2 PROPERTY WHEN STAFF RETURNS TO DALLAS	LENNOX,URSULA,R (U.S. EPA)	EDLUND,CARL,E (U.S. EPA)
R06-9796913	03/12/2013	9	[REDACTED] EPA RESPONSE TO CITIZEN REGARDING CONCERNS INVOLVING HIS TAR CREEK DISTAL 2 PROPERTY	NONE (REMOVED DUE TO FOIA EXEMPTION 6)	LENNOX,URSULA,R (U.S. EPA)
R06-9796927	06/07/2012	3	[REDACTED] FORWARD OF EMAIL RESPONSE TO REQUESTING FOR CH2M HILL PUTTING FILES INTO SHARE POINT	EWING,DENIS (CH2M HILL INCORPORATED)	LENNOX,URSULA,R (U.S. EPA)
R06-9796928	06/06/2012	2	[REDACTED] FORWARD OF EMAIL REQUESTING INFORMATION, FILES AND DOCUMENTATION FOR EACH THREE DISTALS 1N, 1S, AND 2	LENNOX,URSULA,R (U.S. EPA)	MARTIN,JOHN,J (U.S. EPA)
R06-9796929	06/07/2012	2	[REDACTED] RESPONSE TO REQUEST FOR INFORMATION, FILES, AND DOCUMENTATION OF EACH OF THE THREE DISTALS 1N, 1S, AND 2	LENNOX,URSULA,R (U.S. EPA)	MARTIN,JOHN,J (U.S. EPA)
R06-9796930	05/04/2012	1	[REDACTED] ACKNOWLEDGE OF IG INVESTIGATION CONCERNING TAR CREEK	GILMORE,CATHY (U.S. EPA)	LENNOX,URSULA,R (U.S. EPA)

DOC ID	DATE	PAGE#	TITLE	ADDRESSEE	AUTHOR
R06-9796933	06/06/2013	7	[REDACTED] EPA ACKNOWLEDGEMENT OF CITIZEN RESPONSE FOR THE RECORD REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	NONE (REMOVED DUE TO FOIA EXEMPTION 6)	LENNOX,URSULA,R (U.S. EPA)
R06-9796934	06/04/2013	4	[REDACTED] FORWARD OF DISCUSSION REGARDING CITIZEN CONCERNS WITH DISTAL 2 PROPERTY	GILMORE,CATHY (U.S. EPA)	LENNOX,URSULA,R (U.S. EPA)
R06-9796935	06/05/2013	6	[REDACTED] EPA RESPONSE TO DISTAL 2 PROPERTY OWNER REQUEST FOR CLARIFICATION ON WHY CONTRACTORS CANNOT SWEEP PROPERTY CLEAN OF LARGE ROCKS	NONE (REMOVED DUE TO FOIA EXEMPTION 6)	LENNOX,URSULA,R (U.S. EPA)
R06-9796936	04/09/2013	4	[REDACTED] TRANSMITTAL OF EPA RESPONSE TO CITIZEN REGARDING CONCERNS WITH TAR CREEK DISTAL 2 PROPERTY, AND CITIZEN RESPONSE TO AFOREMENTIONED LETTER, WITH NOTIFICATION OF FORTHCOMING RESPONSE FROM EPA	NONE (REMOVED DUE TO FOIA EXEMPTION 6)	LENNOX,URSULA,R (U.S. EPA)
R06-9828703	06/19/2013	7	[REDACTED] FORWARD OF DISCUSSION REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	NONE (U.S. EPA)	LENNOX,URSULA,R (U.S. EPA)



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R06-9828704	06/19/2013	7	[REDACTED] DISCUSSION REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	EWING,DENIS (CH2M HILL)	LENNOX,URSULA,R (U.S. EPA)
R06-9828705	06/06/2013	6	[REDACTED] DISCUSSION REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	BREWSTER,DANIEL (NONE SPECIFIED)	LENNOX,URSULA,R (U.S. EPA)
R06-9828706	06/05/2013	5	[REDACTED] REDELIVERY OF RESPONSE TO DISCUSSION REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	PLSEK,ROBERT (CH2M HILL)	LENNOX,URSULA,R (U.S. EPA)
R06-9828707	06/05/2013	5	[REDACTED] FORWARD OF DISCUSSION REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	NONE (U.S. EPA)	LENNOX,URSULA,R (U.S. EPA)
R06-9828708	06/05/2013	5	[REDACTED] FORWARD OF DISCUSSION REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	NONE (U.S. EPA)	LENNOX,URSULA,R (U.S. EPA)
R06-9828709	06/05/2013	4	[REDACTED] FORWARD OF DISCUSSION REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	DATIN,DENNIS,L (OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY)	LENNOX,URSULA,R (U.S. EPA)
R06-9828710	06/04/2013	4	[REDACTED] DISCUSSION REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	BREWSTER,DANIEL (NONE SPECIFIED)	LENNOX,URSULA,R (U.S. EPA)

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R06-9828711	06/19/2013	7	[REDACTED] FORWARD OF DISCUSSION REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	NONE (U.S. EPA)	LENNOX,URSULA,R (U.S. EPA)
R06-9828712	06/04/2013	4	[REDACTED] FORWARD OF REQUEST FROM OFFICE OF INSPECTOR GENERAL TO RESPOND TO CITIZEN WITH CONCERNS REGARDING DISTAL 2 PROPERTY	GILMORE,CATHY (U.S. EPA)	LENNOX,URSULA,R (U.S. EPA)
R06-9828713	03/04/2013	2	[REDACTED] QUERY REGARDING STATUS OF CITIZEN CONCERNS WITH DISTAL 2 PROPERTY	LENNOX,URSULA,R (U.S. EPA)	CHANDLER,SUSAN (U.S. EPA)
R06-9828714	06/04/2013	3	[REDACTED] REQUEST FROM OFFICE OF INSPECTOR GENERAL TO RESPOND TO CITIZEN WITH CONCERNS REGARDING DISTAL 2 PROPERTY	EDLUND,CARL,E (U.S. EPA)	CHANDLER,SUSAN (U.S. EPA)
R06-9828715	04/08/2013	3	[REDACTED] FORWARD OF RESPONSE TO NOTIFICATION THAT CITIZEN CONCERNS WITH DISTAL 2 PROPERTY WERE RAISED TO SUPERFUND DIRECTOR	LENNOX,URSULA,R (U.S. EPA)	PLSEK,ROBERT (CH2M HILL)

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R06-9828716	04/08/2013	3	[REDACTED] FORWARD OF ACKNOWLEDGEMENT TO NOTIFICATION THAT CITIZEN CONCERNS WITH DISTAL 2 PROPERTY WERE RAISED TO SUPERFUND DIRECTOR	LENNOX,URSULA,R (U.S. EPA)	NONE (REMOVED DUE TO FOIA EXEMPTION 6)
R06-9828717	03/05/2013	3	[REDACTED] FORWARD OF NOTIFICATION THAT A RESPONSE TO CITIZEN CONCERNS WITH DISTAL 2 PROPERTY IS BEING PREPARED	NONE (U.S. EPA)	LENNOX,URSULA,R (U.S. EPA)
R06-9828718	03/04/2013	3	[REDACTED] CLARIFICATION REGARDING CITIZEN CONCERNS WITH DISTAL 2 PROPERTY	LENNOX,URSULA,R (U.S. EPA)	PLSEK,ROBERT (CH2M HILL)
R06-9828719	03/04/2013	2	[REDACTED] FORWARD OF EMAILS REGARDING CITIZEN CONCERNS WITH DISTAL 2 PROPERTY	LENNOX,URSULA,R (U.S. EPA)	NONE (REMOVED DUE TO FOIA EXEMPTION 6)
R06-9828720	03/04/2013	3	[REDACTED] FORWARD OF NOTIFICATION THAT A RESPONSE TO CITIZEN CONCERNS WITH DISTAL 2 PROPERTY IS BEING PREPARED	NONE (U.S. EPA)	LENNOX,URSULA,R (U.S. EPA)

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R06-9828721	03/04/2013	3	[REDACTED] FORWARD OF NOTIFICATION THAT A RESPONSE TO CITIZEN CONCERNS WITH DISTAL 2 PROPERTY IS BEING PREPARED	NONE (U.S. EPA)	LENNOX,URSULA,R (U.S. EPA)
R06-9828722	06/04/2013	4	[REDACTED] FORWARD OF DISCUSSION REGARDING CITIZEN CONCERNS WITH DISTAL 2 PROPERTY	EWING,DENIS (CH2M HILL)	LENNOX,URSULA,R (U.S. EPA)
R06-9828723	06/06/2013	5	[REDACTED] PROPOSAL TO NOTIFY CITIZEN THAT CONCERNS WITH DISTAL 2 PROPERTY HAVE BEEN DISCUSSED WITH THE CONTRACTOR AND SOLVED	FAULTRY,CHARLES (U.S. EPA)	EDLUND,CARL,E (U.S. EPA)
R06-9828724	06/04/2013	3	[REDACTED] QUERY FOR STATUS OF RESPONSE TO CITIZEN WITH CONCERNS REGARDING DISTAL 2 PROPERTY	FAULTRY,CHARLES (U.S. EPA)	EDLUND,CARL,E (U.S. EPA)
R06-9828725	06/19/2013	6	[REDACTED] CH2M HILL FOLLOW-UP TO ADVISEMENT REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	LENNOX,URSULA,R (U.S. EPA)	EWING,DENIS (CH2M HILL)
R06-9828726	06/07/2013	6	[REDACTED] CH2M HILL ADVISEMENT REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	LENNOX,URSULA,R (U.S. EPA)	EWING,DENIS (CH2M HILL)

DOC ID	DATE	PAGE#	TITLE	ADDRESSEE	AUTHOR
R06-9828727	06/06/2013	5	[REDACTED] DISCUSSION REGARDING UNDELIVERED EMAIL CONCERNED WITH RESTORATION WORK ON DISTAL 2 PROPERTY	LENNOX,URSULA,R (U.S. EPA)	PLSEK,ROBERT (CH2M HILL)
R06-9828728	06/06/2013	7	[REDACTED] CITIZEN RESPONSE FOR THE RECORD REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	LENNOX,URSULA,R (U.S. EPA)	NONE (REMOVED DUE TO FOIA EXEMPTION 6)
R06-9828729	06/05/2013	5	[REDACTED] EPA RESPONSE TO CITIZEN AND HIS CONCERN REGARDING CONTRACTOR RESTORATION WORK ON DISTAL 2 PROPERTY	NONE (REMOVED DUE TO FOIA EXEMPTION 6)	LENNOX,URSULA,R (U.S. EPA)
R06-9828730	06/05/2013	6	[REDACTED] CITIZEN EXPRESSING HIS CONCERN REGARDING CONTRACTOR RESTORATION WORK ON DISTAL 2 PROPERTY	LENNOX,URSULA,R (U.S. EPA)	NONE (REMOVED DUE TO FOIA EXEMPTION 6)
R06-9828731	06/19/2013	7	[REDACTED] EPA ACKNOWLEDGEMENT OF CH2M HILL FOLLOW-UP REGARDING RESTORATION WORK ON DISTAL 2 PROPERTY	EWING,DENIS (CH2M HILL)	LENNOX,URSULA,R (U.S. EPA)

**To:** Chancellor, Erin[chancellor.erin@epa.gov]  
**Cc:** Beck, Nancy[Beck.Nancy@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Bennett, Tate  
**Sent:** Fri 6/22/2018 9:50:32 PM  
**Subject:** Re: Touching base regarding Monday

Thanks!

On Jun 22, 2018, at 12:13 PM, Chancellor, Erin <[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)> wrote:

If needed, here are the points from senior staff merged with the key messaging for the community engagement events.

**Erin E. Chancellor**

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

**Ex. 6 - Personal Privacy** (cell)

[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)

**From:** Beck, Nancy  
**Sent:** Friday, June 22, 2018 11:58 AM  
**To:** Chancellor, Erin <[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Subject:** RE: Touching base regarding Monday

There are general PFOS talkers somewhere, OW had the lead.

Looping in Lincoln who should have them.



Nancy B. Beck, Ph.D., DABT

Deputy Assistant Administrator, OCSPP

P: 202-564-1273

M: Ex. 6 - Personal Privacy

[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

**From:** Chancellor, Erin

**Sent:** Friday, June 22, 2018 11:29 AM

**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>

**Subject:** RE: Touching base regarding Monday

Will do on Tar Creek!

**Erin E. Chancellor**

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

Ex. 6 - Personal Privacy (cell)

[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)

**From:** Bennett, Tate

**Sent:** Friday, June 22, 2018 11:24 AM

**To:** Chancellor, Erin <[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)>; Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>

**Subject:** FW: Touching base regarding Monday

Don't kill me! Do you have any talkers on tar creek? Nancy, do you have anything on PFOS in general? This is for Monday. Last min trip!

**From:** Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]  
**Sent:** Friday, June 22, 2018 11:22 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Subject:** RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects

- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
**Sent:** Thursday, June 21, 2018 4:13 PM  
**To:** Fenton Rood  
**Cc:** Jackson, Ryan; Kunding, Kelly  
**Subject:** Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

<PFAS Update.docx>

**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Wed 4/11/2018 5:55:29 PM  
**Subject:** RE: Request for comment on Tar Creek

ok

**From:** Bowman, Liz  
**Sent:** Wednesday, April 11, 2018 1:31 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** RE: Request for comment on Tar Creek

## Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Wednesday, April 11, 2018 1:22 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** RE: Request for comment on Tar Creek

## Ex. 5 - Deliberative Process

**From:** Bowman, Liz  
**Sent:** Wednesday, April 11, 2018 1:20 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** RE: Request for comment on Tar Creek

I would suggest we say

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Wednesday, April 11, 2018 1:13 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Subject:** RE: Request for comment on Tar Creek

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

**From:** Bowman, Liz  
**Sent:** Tuesday, April 10, 2018 3:10 PM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** FW: Request for comment on Tar Creek

**From:** Mike Soraghan [<mailto:> Ex. 6 - Personal Privacy]  
**Sent:** Tuesday, April 10, 2018 2:58 PM  
**To:** Press <[Press@epa.gov](mailto:Press@epa.gov)>  
**Cc:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Subject:** Request for comment on Tar Creek

Hi. Mike Soraghan here at E&E News. I'm working on a story about a Campaign for Accountability suing for communications between Senator Inhofe and Scott Pruitt, when he was Oklahoma attorney general, about the Tar Creek site. The obvious implication is that they suspect Senator Inhofe had something to do with General Pruitt not bringing charges after the



state audit.

<https://campaignforaccountability.org/cfa-sues-oklahoma-attorney-general-to-obtain-communications-between-scott-pruitt-and-sen-james-inhofe-about-coverup-of-tar-creek-audit/>

Does EPA or Mr. Pruitt have any comment on the suit?

Thanks,

Mike Soraghan

E&E News reporter

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Ex. 6 - Personal Privacy

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Wed 4/11/2018 5:21:58 PM  
**Subject:** RE: Request for comment on Tar Creek

## Ex. 5 - Deliberative Process

**From:** Bowman, Liz  
**Sent:** Wednesday, April 11, 2018 1:20 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** RE: Request for comment on Tar Creek

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Ex. 5 - Deliberative Process

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**From:** Jackson, Ryan  
**Sent:** Wednesday, April 11, 2018 1:13 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** RE: Request for comment on Tar Creek

## Ex. 5 - Deliberative Process

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**Sent:** Tuesday, April 10, 2018 3:10 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** FW: Request for comment on Tar Creek

**From:** Mike Soraghan [mailto: Ex. 6 - Personal Privacy]  
**Sent:** Tuesday, April 10, 2018 2:58 PM  
**To:** Press <Press@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** Request for comment on Tar Creek

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<https://campaignforaccountability.org/cfa-sues-oklahoma-attorney-general-to-obtain-communications-between-scott-pruitt-and-sen-james-inhofe-about-coverup-of-tar-creek-audit/>

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Mike Soraghan

E&E News reporter

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**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Wed 4/11/2018 5:13:03 PM  
**Subject:** RE: Request for comment on Tar Creek

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

**From:** Bowman, Liz  
**Sent:** Tuesday, April 10, 2018 3:10 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** FW: Request for comment on Tar Creek

**From:** Mike Soraghan [mailto:[Ex. 6 - Personal Privacy](#)]  
**Sent:** Tuesday, April 10, 2018 2:58 PM  
**To:** Press <[Press@epa.gov](mailto:Press@epa.gov)>  
**Cc:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Subject:** Request for comment on Tar Creek

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Thanks,

Mike Soraghan

E&E News reporter

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Wed 4/11/2018 5:11:04 PM  
**Subject:** RE: Request for comment on Tar Creek

**Ex. 5 - Deliberative Process**

**From:** Bowman, Liz  
**Sent:** Tuesday, April 10, 2018 3:10 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** FW: Request for comment on Tar Creek

**From:** Mike Soraghan [mailto:[Ex. 6 - Personal Privacy](#)]  
**Sent:** Tuesday, April 10, 2018 2:58 PM  
**To:** Press <Press@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** Request for comment on Tar Creek

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<https://campaignforaccountability.org/cfa-sues-oklahoma-attorney-general-to-obtain-communications-between-scott-pruitt-and-sen-james-inhofe-about-coverup-of-tar-creek-audit/>

Does EPA or Mr. Pruitt have any comment on the suit?

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Mike Soraghan

E&E News reporter

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**Ex. 6 - Personal Privacy**

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**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 4/10/2018 7:27:32 PM  
**Subject:** Re: Request for comment on Tar Creek

## Ex. 5 - Deliberative Process

Ryan Jackson  
Chief of Staff  
U.S. EPA

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On Apr 10, 2018, at 3:10 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

**From:** Mike Soraghan [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Tuesday, April 10, 2018 2:58 PM  
**To:** Press <Press@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** Request for comment on Tar Creek

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<https://campaignforaccountability.org/cfa-sues-oklahoma-attorney-general-to-obtain-communications-between-scott-pruitt-and-sen-james-inhofe-about-coverup-of-tar-creek-audit/>

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E&E News reporter

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 3/20/2018 7:48:56 PM  
**Subject:** RE: APPROVAL:

Go for it.

**From:** Wilcox, Jahan  
**Sent:** Tuesday, March 20, 2018 3:34 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** APPROVAL:

**Ryan, since you are the Tar Creek man, any concerns with this?**

No Images? [Click here](#)

## Tulsa World

### Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup

Jim Meyers  
March 20, 2018

[http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article\\_4a3e4982-569e-5023-8141-392ebe629a65.html](http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article_4a3e4982-569e-5023-8141-392ebe629a65.html)

Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to Tar Creek, for decades one of the oldest, largest and most complex toxic sites in the nation.

"It is really unacceptable," Pruitt said as he recalled the history of the Tar Creek, whose Superfund legacy dates back to 1983, as well as the amount of money and time deployed there.

"You don't list a site in the mid-1980s and you don't take the kind of steps we have taken historically and still have issues today in 2018."

He blamed inconsistency, even within EPA's 10 regions, as well as a lack of attention and focus for

slowing outcomes.

"It is one of the things that seemed to be languishing as we arrived," Pruitt said, making it clear the lack of urgency was something he found "palpable" at Superfund sites across the country.

"When it takes you 27, 28 years to make a decision — make a decision, not clean it up, not remediate, but make a decision on how you are going to remediate — that is unacceptable."

To Read The Full Article [Click Here](#)

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Washington, D.C. 20004

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**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Konkus, John[konkus.john@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]  
**From:** Block, Molly  
**Sent:** Tue 3/20/2018 7:41:09 PM  
**Subject:** RE: APPROVAL: Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup - Preview

Do we want to input these paragraphs as well?

Pruitt's emphasis on Tar Creek and the other Superfund sites across the country grew out of a task force he created in 2017, just months after being sworn in as administrator.

Members of the Superfund Task Force came back with a list of specific recommendations under major goals ranging from expediting cleanup and remediation to promoting redevelopment and community revitalization.

As part of that process, Tar Creek landed on a list Pruitt says he will use going forward to keep the emphasis on the program.

"To me there are some very fundamental, significant things we can do to provide clarity to citizens there. I think it has started to take root over the last several months," he said, adding that some of those steps could come "in the near term."

**From:** Wilcox, Jahan  
**Sent:** Tuesday, March 20, 2018 3:35 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Block, Molly <block.molly@epa.gov>  
**Subject:** APPROVAL: Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup - Preview

If RJ says ok we should send this out. Will report back.

**From:** Hewitt, James  
**Sent:** Tuesday, March 20, 2018 2:53 PM

**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>

**Subject:** FW: Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup - Preview

**From:** EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office

**Sent:** Tuesday, March 20, 2018 2:53 PM

**To:** Hewitt, James <hewitt.james@epa.gov>

**Subject:** Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup - Preview

No Images? [Click here](#)

## Tulsa World

### Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup

Jim Meyers

March 20, 2018

[http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article\\_4a3e4982-569e-5023-8141-392ebe629a65.html](http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article_4a3e4982-569e-5023-8141-392ebe629a65.html)

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"When it takes you 27, 28 years to make a decision — make a decision, not clean it up, not remediate, but make a decision on how you are going to remediate — that is unacceptable."

To Read The Full Article [Click Here](#)

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1200 Pennsylvania Avenue Northwest  
Washington, D.C. 20004

[Unsubscribe](#)

**To:** Press[Press@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Mike Soraghan  
**Sent:** Tue 4/10/2018 6:58:20 PM  
**Subject:** Request for comment on Tar Creek

Hi. Mike Soraghan here at E&E News. I'm working on a story about a Campaign for Accountability suing for communications between Senator Inhofe and Scott Pruitt, when he was Oklahoma attorney general, about the Tar Creek site. The obvious implication is that they suspect Senator Inhofe had something to do with General Pruitt not bringing charges after the state audit.

<https://campaignforaccountability.org/cfa-sues-oklahoma-attorney-general-to-obtain-communications-between-scott-pruitt-and-sen-james-inhofe-about-coverup-of-tar-creek-audit/>

Does EPA or Mr. Pruitt have any comment on the suit?

Thanks,

Mike Soraghan

E&E News reporter

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**To:** Press[Press@epa.gov]  
**From:** Mike Soraghan  
**Sent:** Mon 4/9/2018 11:53:04 PM  
**Subject:** FW: PRESS RELEASE: Attorney General Hunter Releases Tar Creek Audits

Hi. Will EPA or Administrator Pruitt have any comment on this? Our story will focus on what he was looking at when he read this report as attorney general.

Mike Soraghan

E&E News reporter

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Ex. 6 - Personal Privacy (office and mobile)

Ex. 6 - Personal Privacy

## E&E NEWS

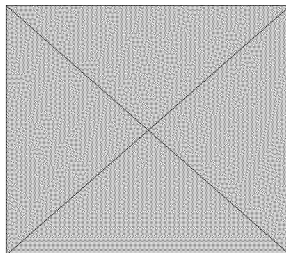
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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

---

**From:** Oklahoma Attorney General's Office [OKAG@public.govdelivery.com]  
**Sent:** Monday, April 09, 2018 4:22 PM  
**To: Subject:** PRESS RELEASE: Attorney General Hunter Releases Tar Creek Audits



# MIKE HUNTER ATTORNEY GENERAL OF OKLAHOMA

**FOR IMMEDIATE RELEASE**

April 9, 2018

## **Attorney General Hunter Releases Tar Creek Audits**

OKLAHOMA CITY – Attorney General Mike Hunter today requested and received approval from Judge Thomas Prince, who presides over the state’s Multicounty Grand Jury (MCGJ), to release the Lead Impacted Communities Relocation Assistance Trust (LICRAT) audits that were requested by the state’s previous attorney general in 2011.

With the audit, Attorney General Hunter released associated investigative files.

Attorney General Hunter said the release of the audits come at his discretion, as is the case with all investigatory audits presented to the multicounty grand jury unit.

“The politicization of this matter by an out of state special interest group is unnecessary and unwarranted,” Attorney General Hunter said. “The facts are clear: The investigative audits looked into the bidding process for the removal of chat, not the buyout and relocation of residents by the federal government. The matter which was the subject of the audits was reviewed by prosecutors in the Attorney General’s Office, the EPA under President Barack Obama and reexamined and scrutinized by newly hired, experienced criminal prosecutors in my office. No one in the review chain described above found prosecutable evidence of criminal activity.

“My office continues to support transparency and remains committed to sharing information with Oklahomans in a manner consistent with the obligation to protect the rights of informants and individuals who are not charged with a crime. We will continue to defend the integrity of the multicounty grand jury process and those who appear before it.”

Since taking over as attorney general last February, Attorney General Hunter’s office has complied with 185 open records requests containing more than 95,000 pages.

### **Investigative Audits**

The LICRAT audits are considered an 18f, or investigatory audit, which is requested by the attorney general to the state auditor when necessary to assist in investigations. Unlike other audits, an 18f is part of litigation and investigatory files of the Attorney General’s Office.

These files are kept confidential to preserve the integrity of the investigation. However, it is not uncommon to provide information within the investigative audit to the audited party after its completion to allow them to respond to or clarify information.

These files only become public at the discretion of the attorney general, or if criminal charges are filed and the documents become part of the court files.

No criminal charges were filed after the LICRAT audits were complete, therefore never making them an

open document.

### **Additional Investigations**

In 2013, the Environmental Protection Agency's Office of Inspector General, under then – President Barack Obama's EPA Administrator Lisa Jackson, launched an investigation after receiving complaints similar to what led to the state's audits.

The EPA investigation revealed no evidence to support any of the allegations. No further action was taken by the federal government.

Read the Tulsa World's article on the 2013 EPA investigation, here: <https://bit.ly/2qjpL1r>.

In 2017, after the lawsuit filed by the Washington, D.C. based special interest Campaign for Accountability, Attorney General Hunter tasked MCGJ Chief Joy Thorpe and Senior Deputy Attorney General Tom Gruber, both experienced prosecutors, with reassessing whether charges should have been or needed to be filed in the case.

Thorpe and Gruber both determined no larger investigation was necessary and that no criminal charges were warranted after review of the audits and MCGJ investigative files.

Responsive information was provided to the audits by the attorney for LICRAT Andy Lester.

Read Lester's response to the audit, here: <https://bit.ly/2EyBmPc>.

### **Two Audits**

The original audit was conducted before civil litigation caused the project to be re-bid. The original audit regarding the initial bidding process can be found, here: <https://bit.ly/2GKIIP>.

Supporting documents can be found, here: <https://bit.ly/2ICeOzK>.

The second audit is the subject of the current litigation and what was investigated by multiple agencies. Read the second audit, here: <https://bit.ly/2H8O2BY>.

Supporting documents can be found, here: <https://bit.ly/2qigQyf>.

### **Supporting Material**

Read Attorney General Hunter's application to Judge Prince for the release of the audits, here: <https://bit.ly/2JzxbXm>.

Read Judge Prince's response, here: <https://bit.ly/2GQQ724>.

###

## **MEDIA CONTACTS:**

**Terri Watkins, Communications Director**

Office: (405) 522-2283  
Cell: (405) 250-8792  
Email: [terri.watkins@oag.ok.gov](mailto:terri.watkins@oag.ok.gov)

**Alex Gerszewski, Press Secretary**  
Office: (405) 522-3116  
Cell: (405) 250-9230  
Email: [alex.gerszewski@oag.ok.gov](mailto:alex.gerszewski@oag.ok.gov)



## Stay Connected with Oklahoma Attorney General Mike Hunter

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This email was sent to [mlee@eenews.net](mailto:mlee@eenews.net) using GovDelivery Communications Cloud on behalf of: Oklahoma Attorney General's  
Office · 313 NE 21st Street · Oklahoma City, OK 73105 · 405-521-3921

**To:** Mike Soraghan[Ex. 6 - Personal Privacy]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Press[Press@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Mon 2/12/2018 10:10:50 PM  
**Subject:** RE: statement/press release

Want to flag this story from the Tulsa World for you.

**2013 EPA investigation found no wrong-doing by Tar Creek trust**

The Tulsa World

February 12, 2018

[http://www.tulsaworld.com/homepagelatest/epa-investigation-found-no-wrong-doing-by-tar-creek-trust/article\\_ae02def8-ffc0-558e-9d93-c427d2fc0c31.html](http://www.tulsaworld.com/homepagelatest/epa-investigation-found-no-wrong-doing-by-tar-creek-trust/article_ae02def8-ffc0-558e-9d93-c427d2fc0c31.html)

A federal investigator found no irregularities or law violations related to the handling of a contract to dismantle and remove buildings in the Tar Creek Superfund site in far northeastern Oklahoma, according to a little-seen 2013 report by the Environmental Protection Agency's Office of Inspector General.

"Extensive record reviews and interviews were conducted and did not disclose evidence to support the allegations," Special Agent Susan Chandler wrote in the OIG report, which has not been generally available to the public, although a redacted copy was obtained by a trust member in 2014 through a Freedom of Information Act request.

Separately, the Tulsa World obtained a copy through a third party. OIC officials confirmed its authenticity.

Chandler's conclusions were at odds with those apparently reached by the state auditor and inspector's office, which conducted an investigative audit of the Lead-Impacted Communities Relocation Assistance Trust, or LICRAT, over several years beginning in 2011.

The A&I audit has never been released, but public and private statements of those familiar with the document indicate it suggests mismanagement and possible criminal conduct related to the Tar Creek contract.

Scott Pruitt, then Oklahoma's attorney general, ordered the audit sealed in 2015 after giving a portion of it to LICRAT's attorney, Andy Lester.

At the time, Pruitt said the audit unfairly made "unsubstantiated criminal allegations against private citizens."

This deepened a feud between Pruitt and Auditor and Inspector Gary Jones, who still insists the audit should be released to the public, and bristles at the suggestion it may have been poorly done.

"If the attorney general thinks the auditor and inspector's office did shoddy work, I'd think he'd want the public to see it," Jones said last week.

The audit and the Tar Creek project again became an issue last year when Pruitt, a sworn enemy of the EPA and ally of some of the nation's largest polluters during his years as Oklahoma's attorney general, was nominated to and subsequently became EPA administrator.

He is also a protege of, and possible successor to, U.S. Sen. Jim Inhofe, who was instrumental in setting up LICRAT and a foe of environmentalists.

Pruitt has thus become the subject of numerous investigations by journalists and environmental groups, with the emotionally charged and politically fraught Tar Creek saga a particularly appealing rock to look under. In November, Washington-based Campaign for Accountability sued to force the state audit's release.

The OIG report lists 15 allegations against LICRAT and project engineer Jack Dalrymple. Most deal with claims that Dalrymple and perhaps trust members conspired to rig the bidding process on a \$3 million contract to remove and dispose of abandoned buildings and otherwise rehabilitate the Tar Creek site.

Contacted Friday, Dalrymple said he, too, wants the A&I report released.

“I’m not afraid of that being released because the trust was just hard-working people who did the right thing,” he said. “I can tell you every single person on that trust was honest and true.”

The allegations, made in a 2012 qui tam lawsuit by Billy Freeman Jr. and Joe Crawford of Ottawa County, also included claims that the work was not done properly.

Chandler, in her report, found each claim without merit. She says the work was done satisfactorily, and notes the contract was for a lump sum, which made questions about how components of the contract were carried out irrelevant.

The suit was dismissed in October 2013, in large part on the basis of the OIG investigation.

Chandler’s report, which is marked “restricted” and “for official use only,” was apparently intended for internal use only. Its primary purpose was to determine whether the federal government should join in the qui tam lawsuit.

A qui tam suit is one brought by private citizens alleging fraud against the federal government under the False Claims Act. This particular suit was one of several actions taken by area residents upset with the handling of the Tar Creek operation.

Most complaints dealt with the buyout — offers too high or too low — but the state and federal investigations in question dealt solely with the removal and rehabilitation contract.

The OIG report says LICRAT made several missteps early in the process, and eventually turned the bidding over to what was then the state’s Office of Central Services.

The portion of the A&I audit given Lester dealt with that stage of the investigation, but people familiar with the entire document, who agreed to speak only on background, say it outlines



irregularities before and after Central Services took over.

Lester says those allegations are baseless.

The politics of the Tar Creek cleanup have always been complex. Besides the Pruitt angle, they involve the rivalry between Inhofe and his former colleague, Tom Coburn, whose staff indirectly initiated the state audit by bringing documents to Jones' office in 2011.

Jones sent the material to Pruitt, who returned it with a letter ordering an investigation.

"This is all because of politics," said Dalrymple, who for decades has been embroiled in lawsuits against the state and federal government over flooding in Ottawa County. "Nobody really cares about our little area. ... I guarantee you (the state is) not trying to protect me."

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**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Press <Press@epa.gov>  
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Mike Soraghan

E&E News reporter

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If, as Mr. Pruitt's spokesman stated, the audit was "shoddy," then release it so the public can make that determination. If, as Mr. Lester stated, the audit report determined "no direct evidence of a conspiracy against the state," then release the audit so the public can make that determination.

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**To:** Press[Press@epa.gov]  
**From:** Mike Soraghan  
**Sent:** Wed 1/17/2018 11:04:03 PM  
**Subject:** FW: Tar Creek audit lawsuit

I got a bounce-back on this from Liz Bowman, so I'm sending it more generally.

**From:** Mike Soraghan  
**Sent:** Wednesday, January 17, 2018 6:02 PM  
**To:** Liz Bowman (Bowman.Liz@epa.gov) <Bowman.Liz@epa.gov>;  
'ferguson.lincoln@epa.gov' <ferguson.lincoln@epa.gov>  
**Subject:** Tar Creek audit lawsuit

Mr. Bowman, Mr. Ferguson,

Hi. The state auditor of Oklahoma has filed a response in the open records lawsuit seeking release of the Tar Creek audit. He is asking for a court order to release it. He also alleges that Mr. Pruitt had already released it to the LICRAT board. I cannot tell at this point if he is alleging that that release to the LICRAT board was improper.

Please let me know if EPA or Administrator Pruitt has any comment.

Thank you,

Mike Soraghan

E&E News reporter

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**To:** Lynn, Tricia[lynn.tricia@epa.gov]; Jahan wilcox (jahan@epa.gov)[jahan@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Press[Press@epa.gov]  
**From:** Block, Molly  
**Sent:** Mon 2/12/2018 7:29:50 PM  
**Subject:** RE: statement/press release

Thanks Tricia!

**From:** Lynn, Tricia  
**Sent:** Monday, February 12, 2018 2:29 PM  
**To:** Jahan wilcox (jahan@epa.gov) <jahan@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Press <Press@epa.gov>  
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Ours is a constitutionally-created, independent office with the principal purpose to examine and inspect whether public officials properly expended public funds.

The constitution names the State Auditor before the Attorney General. We are not agents of the Attorney General and we do not work for the Attorney General.

Our audits examine public records. We look at how public funds are spent. A finding of probable fraud, waste, or abuse is only stated when fully supported by financial records and other evidence.

The Special Investigative Audit of the Lead Impacted Communities Relocation Assistance Trust (LICRAT) was a review of public documents to determine if the LICRAT Board complied with state law in the expenditure of public funds. Special Audits differ from other types of audits because we are not required to conduct these audits in accordance with government auditing standards.

A Special Audit must be requested and conducted when financial mismanagement is believed to have occurred. The LICRAT Special Audit was initially sought by for U.S. Senator Tom Coburn. The only reason to involve the AG was because his office is one of five statutorily permitted ways to request a Special Audit. The audit was conducted on behalf of Oklahoma taxpayers.

The former attorney general acted improperly when he shared the contents of the audit report with the subject of the audit. The impropriety was further compounded when he refused to share the audit with the people who paid for it – the taxpayers of Oklahoma.

The LICRAT audit wasn't about Scott Pruitt, left-wing environmentalists, Andy Lester, or politics. As the State Auditor, I have taken the position that the people of our state deserve to know why the LICRAT Board spent over \$3.6 million on a project when the cost could have been less than \$600,000.

If, as Mr. Pruitt's spokesman stated, the audit was "shoddy," then release it so the public can make that determination. If, as Mr. Lester stated, the audit report determined "no direct evidence of a conspiracy against the state," then release the audit so the public can make that determination.

The State Auditor is the fact finder, not the prosecutor. The sole discretion to prosecute is always retained by the prosecutor.

The only issue here is when the prosecutor determines not to proceed – don't cover up the issue by withholding a public document, paid for with public funds, and conducted on behalf of the public.

Audits are complicated. Many times, fraud and embezzlement are complicated. Often audits are confusing to prosecutors who aren't confident they can sufficiently explain it to a jury in order to obtain a guilty verdict. As such, much white-collar crime goes unprosecuted.

I have confidence in the work product of our office, its people, and their professionalism. We stand by the courage of our convictions while others cast aspersions on the reputation and integrity of those who favor accountability and transparency.

Let the Audit Speak for itself.

NOTE: Oklahoma State Auditor Gary Jones doesn't issue many news releases. As auditor, he has consistently taken the position that an audit should speak for itself. Since taking office in 2011, Gary has issued 15 news releases, of which, four were about a specific audit.

**From:** Mike Soraghan [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Monday, February 12, 2018 10:25 AM  
**To:** Trey Davis <tdavis@sai.ok.gov>  
**Subject:** statement/press release

Trey,

I'm reading that the Auditor has issued a statement or press release. Could I get a copy?

Thanks,

Mike Soraghan

E&E News reporter

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**To:** Press[Press@epa.gov]  
**Cc:** Wilcox, Jahan[wilcox.jahan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Mike Soraghan  
**Sent:** Mon 11/27/2017 4:42:57 PM  
**Subject:** FW: Watchdog Sues Oklahoma Officials for Failing to Release Documents Withheld by Scott Pruitt

Hi. I'm seeking comment on this Oklahoma suit which touches heavily on the current administrator's handling of a superfund corruption case. But I'm moving very fast and writing this for our noon edition, deadline 12:30. If the EPA has a substantive comment we can write another story for later editions.

Mike Soraghan

E&E News reporter

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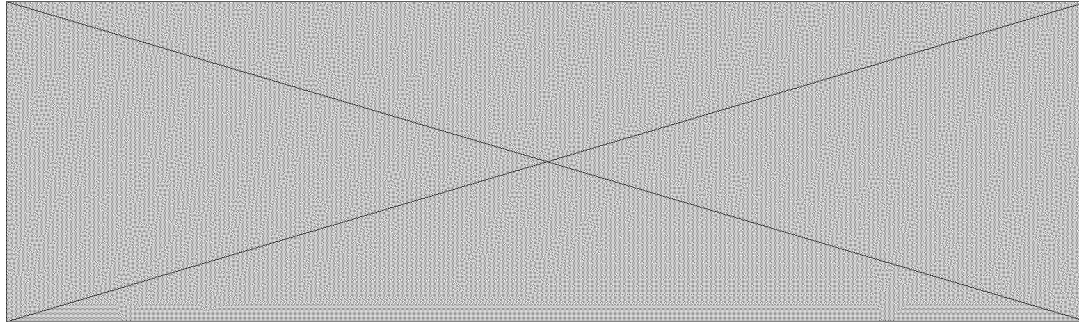
Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**From:** info@campaignforaccountability.org [mailto:info@campaignforaccountability.org]

**Sent:** Monday, November 27, 2017 11:20 AM

**To:** Corbin Hiar <Ex. 6 - Personal Privacy>

**Subject:** Watchdog Sues Oklahoma Officials for Failing to Release Documents Withheld by Scott Pruitt



Today, we're filing a lawsuit against the Oklahoma Attorney General and the Oklahoma State Auditor for failing to release an audit at the direction of former Oklahoma Attorney General Scott Pruitt. The State Auditor's office found evidence of criminal wrongdoing at a toxic cleanup site, but Pruitt rejected the findings and declined to bring criminal charges. Pruitt, and his successor, have denied the auditor's request, and a request from CfA, to release the findings of the audit.

<https://campaignforaccountability.org/cfa-sues-oklahoma-officials-for-failing-to-release-documents-withheld-by-scott-pruitt/>

Read our press release below.

## **CfA Sues Oklahoma Officials for Failing to Release Documents Withheld by Scott Pruitt**

FOR IMMEDIATE RELEASE: November 27, 2017

Contact: Daniel Stevens, [dstevens@campaignforaccountability.org](mailto:dstevens@campaignforaccountability.org), 202.780.5750

WASHINGTON, D.C. – Today, Campaign for Accountability (CfA), a nonprofit watchdog group focused on public accountability, filed a lawsuit in the District Court of Oklahoma County against Oklahoma Attorney General Mike Hunter and Oklahoma State Auditor and Inspector Gary Jones for failing to release copies of audits and documents related to corruption allegations associated with the management of the Tar Creek Reclamation site in the state.

[Read the complaint here.](#)

“While he was serving as the Attorney General of Oklahoma, EPA Administrator Scott Pruitt declined to bring criminal charges in response to an audit that found evidence of criminal wrongdoing at the Tar Creek Reclamation site,” said CfA Executive Director Daniel E. Stevens. “Why did he refuse to bring charges? We don’t know because the Oklahoma Attorney General’s office has repeatedly refused to release documents related to this audit.”



On April 21, 2011, then-AG Pruitt sent a letter to State Auditor Jones requesting that the Auditor's Office investigate "suspected unlawful contracting practices of the Lead-Impacted Communities Relocation Trust (LICRAT), a Public Trust and Agency of the State of Oklahoma." LICRAT was created to oversee the buyout and demolition of vacant homes near Tar Creek, a 40-square mile area in northeast Oklahoma contaminated by decades of lead and zinc mining. Concerns about unlawful contracting practices with LICRAT had been brought to the AG's attention by then-U.S. Senator Tom Coburn.

While conducting the audit, the State Auditor's office found evidence of criminal wrongdoing at the site. Jones reported his findings to Pruitt, but – without explanation – Pruitt rejected the findings and declined to bring criminal charges.

In 2015, the auditor's office asked Pruitt to authorize the release of the LICRAT audit pursuant to the Oklahoma Open Records Act (ORA). Pruitt denied the request stating, "our office is concerned about publication of unsubstantiated criminal allegations against private citizens." The auditor's office disputed Mr. Pruitt's rationale, stating that they were not aware of "any unsubstantiated claims" and that "the individuals named in the report are members of a public trust or a contractor whose services were retained as part of this substantive project."

On November 9, 2017, CfA made an ORA request of the auditor's office for the records, following the unsuccessful efforts of E&E News to obtain them. In response, the auditor explained that he wanted to release the records, but had been instructed not to do so by the AG's office. CfA filed a request for the records directly with the AG's office, which denied the request.

Mr. Stevens continued, "Scott Pruitt decided not to prosecute alleged corruption and has been trying to hide the reasons for this questionable decision from the public ever since. Oklahoma citizens deserve to know what the government is so intent to hide."

*Campaign for Accountability is a nonprofit watchdog organization that uses research, litigation, and aggressive communications to expose misconduct and malfeasance in public life and hold those who act at the expense of the public good accountable for their actions.*

This email was sent to [chiar@eenews.net](mailto:chiar@eenews.net)

Campaign for Accountability, 611 Pennsylvania Ave, S.E. #337, Washington, DC 20003, United States

[Unsubscribe](#)

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Bowman, Liz  
**Sent:** Wed 4/11/2018 5:30:52 PM  
**Subject:** RE: Request for comment on Tar Creek

## Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Wednesday, April 11, 2018 1:22 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** RE: Request for comment on Tar Creek

## Ex. 5 - Deliberative Process

**From:** Bowman, Liz  
**Sent:** Wednesday, April 11, 2018 1:20 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** RE: Request for comment on Tar Creek

I would suggest we say that then:

### Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Wednesday, April 11, 2018 1:13 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** RE: Request for comment on Tar Creek

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

**From:** Bowman, Liz  
**Sent:** Tuesday, April 10, 2018 3:10 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** FW: Request for comment on Tar Creek

**From:** Mike Soraghan [mailto:[Ex. 6 - Personal Privacy](#)]  
**Sent:** Tuesday, April 10, 2018 2:58 PM  
**To:** Press <Press@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** Request for comment on Tar Creek

Hi. Mike Soraghan here at E&E News. I'm working on a story about a Campaign for Accountability suing for communications between Senator Inhofe and Scott Pruitt, when he was Oklahoma attorney general, about the Tar Creek site. The obvious implication is that they suspect Senator Inhofe had something to do with General Pruitt not bringing charges after the state audit.

<https://campaignforaccountability.org/cfa-sues-oklahoma-attorney-general-to-obtain-communications-between-scott-pruitt-and-sen-james-inhofe-about-coverup-of-tar-creek-audit/>

Does EPA or Mr. Pruitt have any comment on the suit?

Thanks,

Mike Soraghan

E&E News reporter

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Bowman, Liz  
**Sent:** Wed 4/11/2018 5:19:33 PM  
**Subject:** RE: Request for comment on Tar Creek

I would suggest we say that then: **Ex. 5 - Deliberative Process**  
**Ex. 5 - Deliberative Process**

**From:** Jackson, Ryan  
**Sent:** Wednesday, April 11, 2018 1:13 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** RE: Request for comment on Tar Creek

## Ex. 5 - Deliberative Process

**From:** Bowman, Liz  
**Sent:** Tuesday, April 10, 2018 3:10 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** FW: Request for comment on Tar Creek

**From:** Mike Soraghan [[mailto:](#) **Ex. 6 - Personal Privacy**]  
**Sent:** Tuesday, April 10, 2018 2:58 PM

**To:** Press <Press@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** Request for comment on Tar Creek

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<https://campaignforaccountability.org/cfa-sues-oklahoma-attorney-general-to-obtain-communications-between-scott-pruitt-and-sen-james-inhofe-about-coverup-of-tar-creek-audit/>

Does EPA or Mr. Pruitt have any comment on the suit?

Thanks,

Mike Soraghan

E&E News reporter

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Bowman, Liz  
**Sent:** Tue 4/10/2018 7:10:27 PM  
**Subject:** FW: Request for comment on Tar Creek

**From:** Mike Soraghan [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Tuesday, April 10, 2018 2:58 PM  
**To:** Press <Press@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** Request for comment on Tar Creek

Hi. Mike Soraghan here at E&E News. I'm working on a story about a Campaign for Accountability suing for communications between Senator Inhofe and Scott Pruitt, when he was Oklahoma attorney general, about the Tar Creek site. The obvious implication is that they suspect Senator Inhofe had something to do with General Pruitt not bringing charges after the state audit.

<https://campaignforaccountability.org/cfa-sues-oklahoma-attorney-general-to-obtain-communications-between-scott-pruitt-and-sen-james-inhofe-about-coverup-of-tar-creek-audit/>

Does EPA or Mr. Pruitt have any comment on the suit?

Thanks,

Mike Soraghan

E&E News reporter

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**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Bowman, Liz  
**Sent:** Thur 1/4/2018 3:10:43 AM  
**Subject:** Re: Request for Interview - Albert "Kell" Kelly

**Ex. 5 - Deliberative Process**

Sent from my iPhone

On Jan 3, 2018, at 8:04 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

**Ex. 5 - Deliberative Process**

Sent from my iPhone

Begin forwarded message:

**From:** "Lynn, Tricia" <lynn.tricia@epa.gov>  
**Date:** January 3, 2018 at 12:21:38 PM EST  
**To:** "Grantham, Nancy" <Grantham.Nancy@epa.gov>  
**Subject:** FW: Request for Interview - Albert "Kell" Kelly

FYI, one of the reporters (Mike Soraghan/E & E news) is pinging about the interview he requested with Kell Kelly. Anything I can share with him?

Thanks!

**From:** Mike Soraghan [mailto:[Ex. 6 - Personal Privacy](#)]  
**Sent:** Wednesday, January 03, 2018 12:08 PM  
**To:** Jones, Enesta <Jones.Enesta@epa.gov>  
**Cc:** Lynn, Tricia <lynn.tricia@epa.gov>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Thanks.

Mike Soraghan

E&E News reporter

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**From:** Jones, Enesta [<mailto:Jones.Enesta@epa.gov>]

**Sent:** Wednesday, January 03, 2018 12:07 PM

**To:** Mike Soraghan <**Ex. 6 - Personal Privacy**>

**Cc:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>

**Subject:** Re: Request for Interview - Albert "Kell" Kelly

Hi Mike, Tricia is in and will help you.

On Jan 3, 2018, at 12:04 PM, Mike Soraghan <**Ex. 6 - Personal Privacy**> wrote:

Hi and Happy New Year. Any update on the status of this?

Mike Soraghan

E&E News reporter

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**From:** Jones, Enesta [<mailto:Jones.Enesta@epa.gov>]  
**Sent:** Wednesday, December 20, 2017 2:10 PM  
**To:** Mike Soraghan <Ex. 6 - Personal Privacy>  
**Cc:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

No problem. We like to let reporters know we have not forgotten about them.

Happy Holidays!

**From:** Mike Soraghan [<mailto:Ex. 6 - Personal Privacy>]  
**Sent:** Wednesday, December 20, 2017 2:03 PM  
**To:** Jones, Enesta <[Jones.Enesta@epa.gov](mailto:Jones.Enesta@epa.gov)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Yes. I appreciate you staying on it. Thanks

Mike Soraghan

E&E News reporter

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**From:** Jones, Enesta [mailto:[Jones.Enesta@epa.gov](mailto:Jones.Enesta@epa.gov)]  
**Sent:** Wednesday, December 20, 2017 2:00 PM  
**To:** Mike Soraghan <Ex. 6 - Personal Privacy>  
**Cc:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Great, thanks. With the holidays and people being out, it's good to know you are flex.

**From:** Mike Soraghan [mailto:[Ex. 6 - Personal Privacy](mailto:Ex. 6 - Personal Privacy)]  
**Sent:** Wednesday, December 20, 2017 1:57 PM  
**To:** Jones, Enesta <[Jones.Enesta@epa.gov](mailto:Jones.Enesta@epa.gov)>  
**Cc:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Hi. I am still seeking an interview and I would prefer to do it in person or on the phone. I have some flexibility on time, since we don't publish between Christmas and New

Year's. My questions are basically the same as what I'd sent to Ms. Lynn. I think they're part of this thread. Thanks for your help.

Mike Soraghan

E&E News reporter

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**From:** Jones, Enesta [<mailto:Jones.Enesta@epa.gov>]

**Sent:** Wednesday, December 20, 2017 1:52 PM

**To:** Mike Soraghan <Ex. 6 - Personal Privacy>

**Cc:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>

**Subject:** Re: Request for Interview - Albert "Kell" Kelly

Hi Mike, are you still seeking an interview? If it's not possible, would you accept written responses? That said, can you provide specific questions — as well as the absolute latest you can wait for us to be responsive?

Thanks,

Enesta

On Dec 7, 2017, at 3:31 PM, Mike Soraghan <Ex. 6 - Personal Privacy> wrote:

Great. Thank you. Please stay in touch.

---

**From:** "Lynn, Tricia" <lynn.tricia@epa.gov>  
**Date:** Thu Dec 07 14:33:48 EST 2017  
**To:** "Mike Soraghan" <Ex. 6 - Personal Privacy>  
**Cc:** "Jones, Enesta" <Jones.Enesta@epa.gov>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Hi Mike—

I wanted to let you know that I haven't forgotten about you, but that we haven't yet been able to schedule with Mr. Kelly. I'm out of the office tomorrow, but my colleague, Enesta Jones, will keep an eye out in case an opportunity arises. Otherwise I'll be back in touch when we're able to schedule.

Best,

Tricia

**From:** Mike Soraghan [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Monday, December 04, 2017 11:44 AM  
**To:** Lynn, Tricia <lynn.tricia@epa.gov>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

OK. Thank you. Please stay in touch.

Mike Soraghan

E&E News reporter

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**From:** Lynn, Tricia [<mailto:lynn.tricia@epa.gov>]  
**Sent:** Monday, December 04, 2017 11:09 AM  
**To:** Mike Soraghan <[Ex. 6 - Personal Privacy](#)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Thanks Mike. Unfortunately he had to leave earlier than expected today for a meeting, but I'll check on later in the week.

**From:** Mike Soraghan [[mailto:](#) [Ex. 6 - Personal Privacy](#)]  
**Sent:** Friday, December 01, 2017 10:35 AM  
**To:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** Re: Request for Interview - Albert "Kell" Kelly

Hi. Thanks for getting back. I am wide open Monday. I'm traveling Tuesday. From Wednesday to Friday I will be in DC, with scattered appointments. Please let me know what would work best.

Mike Soraghan

Reporter

E&E News - EnergyWire



Ex. 6 - Personal Privacy

Sent from my iPhone

On Dec 1, 2017, at 9:54 AM, Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)> wrote:

Mike—

We're still working on this as he's been travelling quite a bit. We can't promise Monday (12/4), but what sort of flexibility do you have for then?

Thanks so much,

Tricia

**From:** Mike Soraghan [<mailto:> Ex. 6 - Personal Privacy]  
**Sent:** Tuesday, November 28, 2017 12:07 PM  
**To:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Great. Thank you.

Mike Soraghan

E&E News reporter

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**From:** Lynn, Tricia [<mailto:lynn.tricia@epa.gov>]  
**Sent:** Tuesday, November 28, 2017 12:04 PM  
**To:** Mike Soraghan <[Ex. 6 - Personal Privacy](#)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

We were just talking about it this morning. Give me a bit of time and I'll see what I can find out from the person who'd be scheduling it.

**From:** Mike Soraghan [[mailto:Ex. 6 - Personal Privacy](#)]  
**Sent:** Tuesday, November 28, 2017 11:54 AM  
**To:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Hi. Thought I'd do a post-holiday check-in. Any luck with this?

Thanks,

Mike Soraghan

E&E News reporter

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**From:** Lynn, Tricia [<mailto:lynn.tricia@epa.gov>]

**Sent:** Wednesday, November 15, 2017 8:45 AM

**To:** Mike Soraghan <[Ex. 6 - Personal Privacy](#)>

**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Thanks Mike. I'll be in touch soon with next steps.

Best,

Tricia

**From:** Mike Soraghan [[mailto:Ex. 6 - Personal Privacy](#)]

**Sent:** Tuesday, November 14, 2017 10:45 AM

**To:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>

**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Hi. Here are some questions. Also, it would be great to talk with Mr. Kelly in person, even if the interview is still brief. I work remotely, but I could be in DC on relatively short notice. My hard deadline is COB Dec. 8.

How does a banker from eastern Oklahoma wind up leading efforts on Superfund?

How has having several contaminated sites in your hometown impacted your perspective on Superfund?

How involved have you been with the Superfund site and contaminated sites in Bristow?

Since taking this position, have you visited the Wilcox site, Kwikset or the other sites, or talked with people around the sites?

What is your role with Superfund now that the streamlining report is complete?

How many sites have you visited?

What are you learning from giving out your cellphone number?

From your task force's recommendations, the "Top 10 list" has gotten the most attention. Is that the most important recommendation? If not, what are we missing?

Oklahoma's Tar Creek site is well known for the Picher-Cardin buyout. Did your task force look at any changes to the policies on buy-outs?

Thanks for your help,

Mike Soraghan

E&E News reporter

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**From:** Lynn, Tricia [<mailto:lynn.tricia@epa.gov>]

**Sent:** Monday, November 13, 2017 4:07 PM

**To:** Mike Soraghan <Ex. 6 - Personal Privacy>

**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Hi Mike—

Liz passed on your inquiry, and I'm happy to try and help set up an interview. To begin I'll need a list of your specific questions and your hard deadline. Can you please send those at your earliest convenience?

Thanks so much,

Tricia

---

Tricia Lynn

Office of Public Affairs

U.S. EPA

Office: 202.564.2615

**From:** Mike Soraghan [mailto:[Ex. 6 - Personal Privacy](#)]  
**Sent:** Monday, November 13, 2017 3:41 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Subject:** Request for Interview - Albert "Kell" Kelly

Ms. Bowman,

Hi. I've been working for some time on a story about Superfund sites in Oklahoma. I'm writing to request an interview with Mr. Albert "Kell" Kelly. Since he is from Oklahoma and is heading up the administrator's Superfund streamlining efforts, he seemed like a good person to talk to for this story. I also know his hometown has several contaminated sites and at least one Superfund site. So he has some practical experience that others might not have, and that's an angle I'm intending to look at.

I can be reached at this email or at [Ex. 6 - Personal Privacy](#). Thank you for any assistance you can provide.

Thank you,

Mike Soraghan

E&E News reporter

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Ex. 6 - Personal Privacy

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**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]  
**From:** Kelly, Albert  
**Sent:** Thur 10/12/2017 7:40:32 PM  
**Subject:** FW: Google Alert - Superfund

Since this is our release on Shpack, I assume we orchestrated all of the publicity we could muster on this release. Are we getting the releases the proper coverage? Also have we made any headway on celebrating our site reuse?

Albert Kelly


Senior Advisor to the Administrator

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202 306 8830

**From:** Google Alerts [mailto:googlealerts-noreply@google.com]  
**Sent:** Thursday, October 12, 2017 9:07 AM  
**To:** Kelly, Albert <kelly.albert@epa.gov>  
**Subject:** Google Alert - Superfund

Superfund	
Daily update  October 12, 2017	
NEWS	
<u>EPA Vows To Speed Cleanup Of Toxic <b>Superfund</b> Sites Despite Funding Drop</u>	
Maine Public	
An aerial photo showing hills of mining waste known as 'chat' scattered throughout the abandoned lead and zinc mine at the Tar Creek <b>Superfund</b> site ...	
 <a href="#">Flag as irrelevant.</a>	
<u>Desperate for water, Puerto Rico residents may be drinking from hazardous <b>Superfund</b> sites</u>	
MyPalmBeachPost (blog)	
The U.S. Environmental Protection Agency said Wednesday desperate Puerto Ricans may be drinking from	



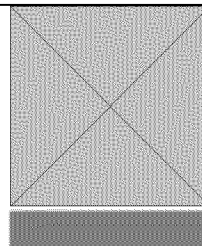
hazardous **"Superfund"** sites on the ...

[US warns Puerto Rico against tapping water at toxic waste sites - Reuters](#)

Full Coverage



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[EPA approves \\$115 million plan to clean \*\*Superfund\*\* site](#)

KTRK-TV

Decades of burying what's described as one of the world's most toxic substances along the San Jacinto River put the area on the EPA's **Superfund** list ...

[EPA OKs plan to rid toxics from waste pits - Houston Chronicle](#)

[EPA announces \\$115 million cleanup for Houston site - Fresno Bee](#)

[EPA approves plan to remove San Jacinto Waste pits from river - Chron.com](#)

Full Coverage



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[EPA delays signing Portland \*\*Superfund\*\* agreement](#)

KOIN.com

PORTLAND, Ore. (PORTLAND TRIBUNE) — The U.S. Environmental Protection Agency will delay signing a controversial agreement with a number of ...



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[EPA Removes the Shpack Landfill Site from the National Priorities List](#)

U.S. EPA.gov (press release)

BOSTON - The U.S. Environmental Protection Agency has removed the Shpack Landfill, a **superfund** site located in Attleboro and Norton, Mass., from ...



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[ASX stalls as \*\*super funds\*\* hoard cash: Citi](#)

InvestorDaily

Foreign investors and superannuation funds recorded reduced inflows over the first half of 2017, and large inflows into **super funds** as a result of ...



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[Underperforming \*\*super funds\*\* drop 18% in 2017](#)

InvestorDaily

The number of consistently underperforming superannuation and managed funds in Australia has fallen to 521 this year, down from 638 in 2016, says ...

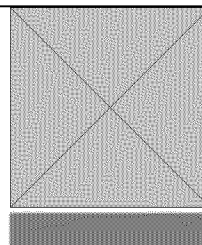
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## Rensselaer County law would set limit on chemical discharge in water

Albany Times Union

The effort is a result of a push by town of Nassau officials and residents to protect water around the Dewey Loeffel Landfill **Superfund** Site.

 [Flag as irrelevant](#)



## As Puerto Rico Struggles With Lack of Drinking Water, Residents Turn to Toxic Waste Sites

TIME

**Superfund** sites are areas contaminated by hazardous industrial waste that have been identified by the EPA as candidates for a federal clean-up ...

 [Flag as irrelevant](#)

## Now Trump's Messing with the Willamette River?

The Portland Mercury

... the 17-year struggle to clean up the toxic, 10-mile Portland Harbor **Superfund** site. The agency announced a secretive proposal it had reached with ...

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WEB

## EPA's plan to clean up San Jacinto Waste Pits **Superfund** site approved

FOX 26 Houston

The San Jacinto Waste Pits are getting moved after the EPA's plan was approved earlier today.

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**To:** Block, Molly[block.molly@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]  
**From:** Abboud, Michael  
**Sent:** Thur 1/18/2018 1:14:56 AM  
**Subject:** Re: Tar Creek audit lawsuit

Ex. 5 - Deliberative Process

Sent from my iPhone

On Jan 17, 2018, at 6:06 PM, Block, Molly <block.molly@epa.gov> wrote:

Suggested Response: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

**From:** Ferguson, Lincoln  
**Sent:** Wednesday, January 17, 2018 6:05 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>  
**Subject:** FW: Tar Creek audit lawsuit

Looping you all in

**From:** Mike Soraghan [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Wednesday, January 17, 2018 6:02 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** Tar Creek audit lawsuit

Mr. Bowman, Mr. Ferguson,

Hi. The state auditor of Oklahoma has filed a response in the open records lawsuit seeking release of the Tar Creek audit. He is asking for a court order to release it. He also alleges that Mr. Pruitt had already released it to the LICRAT board. I cannot tell at this point if he is alleging that that release to the LICRAT board was improper.

Please let me know if EPA or Administrator Pruitt has any comment.

Thank you,

Mike Soraghan

E&E News reporter

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**To:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]  
**From:** Block, Molly  
**Sent:** Wed 1/17/2018 11:06:32 PM  
**Subject:** RE: Tar Creek audit lawsuit

Suggested Response: **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**From:** Ferguson, Lincoln  
**Sent:** Wednesday, January 17, 2018 6:05 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>  
**Subject:** FW: Tar Creek audit lawsuit

Looping you all in

**From:** Mike Soraghan [mailto:**Ex. 6 - Personal Privacy**]  
**Sent:** Wednesday, January 17, 2018 6:02 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** Tar Creek audit lawsuit

Mr. Bowman, Mr. Ferguson,

Hi. The state auditor of Oklahoma has filed a response in the open records lawsuit seeking release of the Tar Creek audit. He is asking for a court order to release it. He also alleges that Mr. Pruitt had already released it to the LICRAT board. I cannot tell at this point if he is alleging that that release to the LICRAT board was improper.

Please let me know if EPA or Administrator Pruitt has any comment.

Thank you,

Mike Soraghan

E&E News reporter

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**To:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Daniell, Kelsi  
**Sent:** Tue 4/10/2018 2:32:43 PM  
**Subject:** FW: PRESS RELEASE: Attorney General Hunter Releases Tar Creek Audits

**From:** Mike Soraghan [mailto: Ex. 6 - Personal Privacy]  
**Sent:** Monday, April 9, 2018 7:53 PM  
**To:** Press <Press@epa.gov>  
**Subject:** FW: PRESS RELEASE: Attorney General Hunter Releases Tar Creek Audits

Hi. Will EPA or Administrator Pruitt have any comment on this? Our story will focus on what he was looking at when he read this report as attorney general.

Mike Soraghan

E&E News reporter

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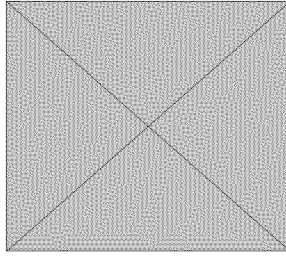
---

**From:** Oklahoma Attorney General's Office [OKAG@public.govdelivery.com]



**Sent:** Monday, April 09, 2018 4:22 PM

**To: Subject:** PRESS RELEASE: Attorney General Hunter Releases Tar Creek Audits



**MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA**

**FOR IMMEDIATE RELEASE**

April 9, 2018

## **Attorney General Hunter Releases Tar Creek Audits**

OKLAHOMA CITY – Attorney General Mike Hunter today requested and received approval from Judge Thomas Prince, who presides over the state’s Multicounty Grand Jury (MCGJ), to release the Lead Impacted Communities Relocation Assistance Trust (LICRAT) audits that were requested by the state’s previous attorney general in 2011.

With the audit, Attorney General Hunter released associated investigative files.

Attorney General Hunter said the release of the audits come at his discretion, as is the case with all investigatory audits presented to the multicounty grand jury unit.

“The politicization of this matter by an out of state special interest group is unnecessary and unwarranted,” Attorney General Hunter said. “The facts are clear: The investigative audits looked into the bidding process for the removal of chat, not the buyout and relocation of residents by the federal government. The matter which was the subject of the audits was reviewed by prosecutors in the Attorney General’s Office, the EPA under President Barack Obama and reexamined and scrutinized by newly hired, experienced criminal prosecutors in my office. No one in the review chain described above found prosecutable evidence of criminal activity.

“My office continues to support transparency and remains committed to sharing information with Oklahomans in a manner consistent with the obligation to protect the rights of informants and individuals who are not charged with a crime. We will continue to defend the integrity of the multicounty grand jury process and those who appear before it.”

Since taking over as attorney general last February, Attorney General Hunter’s office has complied with 185 open records requests containing more than 95,000 pages.

### **Investigative Audits**

The LICRAT audits are considered an 18f, or investigatory audit, which is requested by the attorney general to the state auditor when necessary to assist in investigations. Unlike other audits, an 18f is part of litigation and investigatory files of the Attorney General's Office.

These files are kept confidential to preserve the integrity of the investigation. However, it is not uncommon to provide information within the investigative audit to the audited party after its completion to allow them to respond to or clarify information.

These files only become public at the discretion of the attorney general, or if criminal charges are filed and the documents become part of the court files.

No criminal charges were filed after the LICRAT audits were complete, therefore never making them an open document.

### **Additional Investigations**

In 2013, the Environmental Protection Agency's Office of Inspector General, under then – President Barack Obama's EPA Administrator Lisa Jackson, launched an investigation after receiving complaints similar to what led to the state's audits.

The EPA investigation revealed no evidence to support any of the allegations. No further action was taken by the federal government.

Read the Tulsa World's article on the 2013 EPA investigation, here: <https://bit.ly/2qipL1r>.

In 2017, after the lawsuit filed by the Washington, D.C. based special interest Campaign for Accountability, Attorney General Hunter tasked MCGJ Chief Joy Thorpe and Senior Deputy Attorney General Tom Gruber, both experienced prosecutors, with reassessing whether charges should have been or needed to be filed in the case.

Thorpe and Gruber both determined no larger investigation was necessary and that no criminal charges were warranted after review of the audits and MCGJ investigative files.

Responsive information was provided to the audits by the attorney for LICRAT Andy Lester.

Read Lester's response to the audit, here: <https://bit.ly/2EyBmPc>.

### **Two Audits**

The original audit was conducted before civil litigation caused the project to be re-bid. The original audit regarding the initial bidding process can be found, here: <https://bit.ly/2GKIIP>.

Supporting documents can be found, here: <https://bit.ly/2ICeOzK>.

The second audit is the subject of the current litigation and what was investigated by multiple agencies. Read the second audit, here: <https://bit.ly/2H8O2BY>.

Supporting documents can be found, here: <https://bit.ly/2qigQyf>.

### **Supporting Material**

Read Attorney General Hunter's application to Judge Prince for the release of the audits, here:

<https://bit.ly/2JzxbXm>.

Read Judge Prince's response, here: <https://bit.ly/2GQQ724>.

###

## **MEDIA CONTACTS:**

### **Terri Watkins, Communications Director**

Office: (405) 522-2283

Cell: (405) 250-8792

Email: [terri.watkins@oag.ok.gov](mailto:terri.watkins@oag.ok.gov)

### **Alex Gerszewski, Press Secretary**

Office: (405) 522-3116

Cell: (405) 250-9230

Email: [alex.gerszewski@oag.ok.gov](mailto:alex.gerszewski@oag.ok.gov)

## **Stay Connected with Oklahoma Attorney General Mike Hunter**

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This email was sent to [mlee@eenews.net](mailto:mlee@eenews.net) using GovDelivery Communications Cloud on behalf of: Oklahoma Attorney General's Office · 313 NE 21st Street · Oklahoma City, OK 73105 · 405-521-3921

**To:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Graham, Amy  
**Sent:** Fri 9/1/2017 5:32:54 PM  
**Subject:** FW: Request for comment from Administrator Pruitt

**From:** Mike Soraghan [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Friday, September 1, 2017 1:27 PM  
**To:** Graham, Amy <graham.amy@epa.gov>  
**Subject:** Request for comment from Administrator Pruitt

Ms. Graham,

Hi. Mike Soraghan here at E&E. I'm writing a story today about Mr. Pruitt and the Tar Creek Superfund site in northeast Oklahoma. I took a look at it because of Pruitt's work with the site, as documented during his confirmation, and his current emphasis on Superfund.

As Oklahoma Attorney General, Mr. Pruitt requested an audit of the organization handling the buyout of certain residents in 2011 and said in 2015 he would not bring charges. Mr. Pruitt also rejected the state auditor's request that the audit be publicly released. Mr. Jones, open government advocates and other officials have said it should have been released in 2015 and should be released now.

I'm seeking general comment for my story, and an answer to this question: given his emphasis on Superfund, would Mr. Pruitt revise his earlier position and urge the current attorney general to release the audit to the public? I'm trying to finish my reporting today, but I could add something as late as Monday evening.

Thank you for your help,

Mike Soraghan

E&E News reporter

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**To:** Press[Press@epa.gov]  
**From:** Abboud, Michael  
**Sent:** Tue 7/18/2017 7:20:17 PM  
**Subject:** RE: Comment on Whitehouse letter?

I'll handle this request.

**From:** Amanda Reilly [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Tuesday, July 18, 2017 3:06 PM  
**To:** Press <Press@epa.gov>  
**Subject:** Comment on Whitehouse letter?

Good afternoon,

Amanda Reilly from E&E News here. Do you have a comment from EPA on the below letter sent today by Sen. Sheldon Whitehouse? My deadline is 4 p.m. Eastern.

Thanks,

Amanda

**Amanda Reilly**

E&E News legal reporter

[areilly@eenews.net](mailto:areilly@eenews.net)

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**FOR IMMEDIATE RELEASE**

**Contact: Rich Davidson**

**July 18, 2017**

**(202) 228-6291 (press office)**

## **Whitehouse Weighs In with Oklahoma Bar on Pruitt's Pattern of Stonewalling and Dishonesty**

***New records show Pruitt's office sat on dozens of Oklahoma Open Records Act requests related to Pruitt's relationship to industry***

***'This conduct is unbecoming of an attorney who is also a public official and who, under law, is required to testify truthfully to Congress'***

*Washington, DC* – Today, Senator Sheldon Whitehouse (D-RI) filed documents with the Oklahoma Bar Association to supplement a complaint filed against Environmental Protection Agency (EPA) Administrator Scott Pruitt, including new records suggesting Pruitt's former office stonewalled Senators during his confirmation process. Whitehouse, who is listed as a witness on the complaint, submitted a letter and exhibits to supplement the complaint showing how Pruitt evaded, misled, or obstructed members of the Senate Environment and Public Works Committee. This behavior, writes Whitehouse to the Bar Association, "initially stymied our Committee's ability to adequately discharge our advice and consent responsibilities and presently stymie its ability to conduct effective oversight of Mr. Pruitt and EPA."

The complaint, filed by the Center for Biological Diversity and Professor Kristen van de Biezenbos of the University of Oklahoma College of Law, alleges Pruitt violated the Oklahoma Bar Association's standards of professional responsibility by misleading the Committee. Pruitt is barred in Oklahoma and served as Attorney General from 2011 to 2017 before arriving at the

EPA.

“I have had a front-row seat for Mr. Pruitt’s misleading testimony and his ongoing failure to respond completely and truthfully to Committee requests for him to set the record straight,” Whitehouse writes. “This conduct is unbecoming of an attorney who is also a public official and who, under law, is required to testify truthfully to Congress.”

Whitehouse’s submissions chronicle Pruitt’s growing list of misstatements to Congress about his use of personal and government email accounts to conduct official business as Oklahoma Attorney General and communicate with industry players he is now charged with regulating – like Devon Energy and the American Fuel & Petrochemical Manufacturers.

Also included in the submission is a pair of newly released lists of Oklahoma Open Records Act (ORA) requests, which show the Oklahoma Attorney General’s office under Pruitt’s leadership sat on information directly relevant to Pruitt’s future role at the EPA. The logs show pending and completed ORA requests from the Oklahoma Attorney General’s office under Pruitt’s successor. In roughly five months on the job, current Oklahoma Attorney General Mike Hunter cleared the ORA backlog that grew under Pruitt’s watch, including over a dozen requests dating back to 2014 and 2015. Of this Pruitt backlog, at least 28 requests related to information that would be relevant to his current role at EPA, including:

- [REDACTED] Ten requests for Pruitt’s correspondence with energy companies or related organizations;
- [REDACTED] Six requests for correspondence with groups that have taken positions on matters before the EPA, such as the U.S. Chamber of Commerce and the Republican Attorney Generals Association;
- [REDACTED] Four requests for documents related to Mr. Pruitt’s attacks on the Humane Society of the United States or the right to farm;
- [REDACTED] Three requests related to Mr. Pruitt’s processing of ORA requests;
- [REDACTED] Three requests for correspondence related to matters before the EPA; and
- [REDACTED] Two requests for Mr. Pruitt’s calendars.



Democrats boycotted the Environment and Public Works Committee vote in February after he refused to provide the Committee information regarding his use of emails and his connections to industry. After Pruitt was confirmed, records released by the Oklahoma Attorney General showed he had used a personal email address to conduct state business and that he had a special alias government email address that he did not list on his documentation for the Senate.

“Mr. Pruitt’s pattern of misstatements and attempted obfuscation of his email use, linked with his ‘abjectly’ delayed ORA responses regarding those emails, has been a self-serving effort to conceal his ties to industries that have given money to him in the past, and which he now regulates,” Whitehouse concludes. “This conduct on its face appears to violate the standards of professional responsibility that Mr. Pruitt has taken an oath to uphold.”

**Full text of Whitehouse’s letter to the Bar Association is below. A PDF copy of the letter and exhibits can be accessed [here](#).**

July 18, 2017

Gina Hendryx

General Counsel

Oklahoma Bar Association

1901 N Lincoln Boulevard

PO Box 53036

Oklahoma City, OK 73105

Dear Ms. Hendryx,

We write in reference to your ongoing investigation of Edward Scott Pruitt, a member of the State of Oklahoma Bar and former state Attorney General, who now serves as Administrator of the U.S. Environmental Protection Agency (EPA). Through this letter I am providing additional relevant information for the Bar's consideration.

On March 21, the Center for Biological Diversity and University of Oklahoma law professor Kristen van de Biezenbos filed a complaint with you alleging Mr. Pruitt's inconsistent and contradictory statements to the Senate Environment and Public Works Committee (EPW Committee) about his email use violated Rule 8.4(c) of the Oklahoma Rules of Professional Conduct. I was listed on the complaint as witness.

Although I do not have any non-public information about Mr. Pruitt's testimony before Congress, I have had a front-row seat for Mr. Pruitt's misleading testimony and his ongoing failure to respond completely and truthfully to Committee requests for him to set the record straight. His misleading answers, evasiveness, and stonewalling initially stymied our Committee's ability to adequately discharge our advice and consent responsibilities and presently stymie its ability to conduct effective oversight of Mr. Pruitt and EPA. This conduct is unbecoming of an attorney who is also a public official and who, under law, is required to testify truthfully to Congress.

### *Facts*

On December 8, 2016, President-Elect Trump announced he would nominate Mr. Pruitt to lead the EPA. On January 4, 2017, Mr. Pruitt submitted his required pre-hearing questionnaire to the EPW Committee, listing a "@me.com" email address as his "Business E-Mail." Exhibit A. E-mail use and addresses have been a significant political issue, as the Bar well knows. This was the only email address he provided on that form. It was a misstatement. At his January 18, 2017 confirmation hearing,<sup>[1]</sup> I asked Mr. Pruitt whether that disclosure form had been accurate. He responded, "The @me.com address is not a business email address, I'm not sure why it was designated as such." Exhibit B.

I then noted, "You also have an @oag.ok.gov address. Are there other email addresses that you have, are there other email address that you use for business other than your @me.com and your @oag.ok.gov email addresses?". Mr. Pruitt answered "[t]here are no other email addresses if

that's your question, senator.” *Id.* That has been shown to be another misstatement.

In post-hearing questions for the record, I asked Mr. Pruitt: “How many email addresses have you used since becoming Attorney General of Oklahoma? How many do you still use? Please provide the domains of all email addresses you’ve used during your time as Attorney General of Oklahoma, along with the dates used, and note whether they were personal, professional, or both.” Exhibit C. On January 24, 2017, as part of a woefully inadequate set of responses to EPW Member questions, Mr. Pruitt provided the following written response to this question:

“I have used **two e-mail addresses** since becoming Attorney General of Oklahoma. I use a personal e-mail address for personal e-mail, and **an** official e-mail address for official business. The domain of my personal e-mail address is me.com and the domain for my official e-mail address is oag.ok.gov.” (emphasis added). *Id.*

This has proven to be a third misstatement.

Despite numerous outstanding questions about Mr. Pruitt’s email practices and other issues raised by us and other Members of the EPW Committee, the Committee majority scheduled a vote to report Mr. Pruitt’s nomination to the full Senate on February 1, 2017, forcing Committee Democrats to take the drastic step of boycotting the vote.<sup>[2]</sup> Mr. Pruitt reported out of Committee without any Democrats present on February 2, 2017.

As the full Senate was considering Mr. Pruitt’s nomination, the Center for Media and Democracy filed an Open Records Act (ORA) lawsuit against the Office of Oklahoma Attorney General (OK AG) for failing to respond to its ORA requests for more than two years. The lawsuit demanded that the OK AG produce, among other things, Mr. Pruitt’s emails to certain energy companies that he would be responsible for regulating as EPA Administrator. In ordering the release of records, Judge Aletia Haynes Timmons of the Seventh District Court of Oklahoma found that there had been “[a]n abject failure to provide prompt and reasonable access to documents requested . . . .”<sup>[3]</sup> This “abject failure” can be seen as bearing on Mr. Pruitt’s intent in the several misstatements.

Mr. Pruitt was confirmed by the Senate to be EPA Administrator, over the objections of many Senators that he was not forthcoming with the Senate on February 17, 2017.

On February 21, the OK AG's Office released 7,564 pages of Mr. Pruitt's email correspondence under the court-ordered disclosure. Documents in this disclosure showed Mr. Pruitt used his @me.com email address for business purposes, contradicting his January 24 responses to the Committee. Emails to a previously undisclosed email address, [esp@oag.ok.gov](mailto:esp@oag.ok.gov), were included in this disclosure but were not associated with Mr. Pruitt. These released documents show that people outside of the OK AG's office emailed Mr. Pruitt at the undisclosed [esp@oag.ok.gov](mailto:esp@oag.ok.gov) email address as far back as 2014 and his personal email address about official business as far back as 2013.

Emails using the @me.com address include (Exhibit D):

- August 14, 2013 email to Mr. Pruitt from Sarah K. Magruder Lyle, Vice-President of Strategic Initiatives at the American Fuel & Petrochemical Manufacturers (AFPM), copying Clayton Eubanks (then solicitor general). The email included the AFPM's Renewable Fuels Standard (RFS) waiver petition it filed with EPA and expressed AFPM's interest in Oklahoma "filing a similar waiver requests highlighting the environmental harm caused by the RFS mandate."
- April 16, 2013 email from Amy KJose Anderson, Civil Justice Task Force Director and Oklahoma Membership Contact at the American Legislative Exchange Council (ALEC) to Mr. Pruitt, Ashley Olmstead (Pruitt's then-executive assistant), and Melissa Houston (Pruitt's then-chief of staff), copying Derek Albro (Devon Energy), regarding his remarks at an ALEC meeting. (@me.com was redacted)

On February 24, Oklahoma Fox 25 reported on emails it received in response to its long-languishing (under Attorney General Pruitt) ORA request(s) that showed Mr. Pruitt had used his personal @me.com account for official business. The story also included confirmation from the OK AG's office that Mr. Pruitt used his private email for state business. Exhibit E.

In response to the discovery that Mr. Pruitt did in fact use his personal email for official business, on March 17, 2017, Senators Carper, Sanders, Markey, Duckworth, and I requested Mr. Pruitt explain why he told the Committee that he did not. Exhibit F.

After your office indicated it was investigating a bar complaint filed against Mr. Pruitt related to his congressional testimony, Mr. Pruitt wrote to the EPW Committee acknowledging he used his personal email address to conduct official business. This was the first time he provided any hint of having used more than one official state email account, though only through an unexplained use of a plural noun. He stated:

“I believe my original response to Senator Whitehouse’s question . . . was and remains correct. But to prevent any possible confusion, I supplement my original response as follows: My practice is to conduct official business through official channels, including my state-provided email **accounts.**” (emphasis added) (internal quotation omitted). Exhibit G.

Mr. Pruitt also claimed any inaccuracies in his written statement on January 24 were “based on the best information available at the time and having only four day to complete approximately 1,100 written questions and subparts.” *Id.* The Bar should know there was no deadline for his response to the Committee—his only obligation was to provide complete and accurate answers.

On June 14, 2017, the *Washington Post* published a story, “Scott Pruitt used two government email addresses in his last job. He told Congress he used one.” [4] The story focused on emails with the [esp@oag.ok.gov](mailto:esp@oag.ok.gov) address and included confirmation from the OK AG’s office about the existence of both accounts, saying “they are both on the attorney general’s server.” *Id.* The emails show he sent and received email from this address and used it to interact with his senior staff as recently as October 2016.

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Mr. Pruitt volunteered a response, referencing his May 5 letter to the EPW Committee:

“[B]oth in my oral testimony, as well as there’s a letter actually that I submitted to the EPW Committee in May, that recognized multiple state email accounts, so there’s been a consistency there, the representations that you’re citing are not accurate. So we’ve informed the Committee, that was consistent with my oral testimony.” *Id.*

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Mr. Pruitt's statements about his email practices have been misleading, and appear to have been purposely designed to frustrate the Committee's ability provide advice and consent to the President and to conduct oversight of his work as Administrator. These have included:

- [REDACTED] His initial failure to disclose his official work email address in his January 4 questionnaire;
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Answers about Mr. Pruitt's email conduct as Oklahoma Attorney General has direct bearing on whether he should have been confirmed by the Senate, and continue to be an essential element of conducting effective oversight over his administration of the EPA. It was only through court-ordered disclosures of his email released, after "abjectly" delayed review, and after Mr. Pruitt was confirmed that Congress learned of Mr. Pruitt's use of his personal email address to conduct state business and the [esp@oag.ok.gov](mailto:esp@oag.ok.gov) email address despite being asked about both during his confirmation process.

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Additional facts have recently come to light that suggest that under Mr. Pruitt's leadership, the Office of Attorney General stonewalled public efforts to obtain records under Oklahoma Open Records Act, making his evasive and misleading answers to the Committee even more troubling. Because he successfully delayed the public disclosure of his emails before being confirmed, Congress did not know the breadth—and continues to be unsure of the full extent—of his interactions with Devon, other energy companies, and other parties interested in EPA issues before becoming EPA Administrator.

On February 2, 2017, I requested a list of all pending Open Records Act requests with the OK AG. On June 16, 2017, the OK AG responded to my request with a list of 77 then-pending ORA requests. None were beyond six months old, with the first dated December 7, 2016. Exhibit J.

The OK AG subsequently provided my office a list of 78 ORA requests that it had closed since February 2, 2017. Exhibit K. Seventy-five of those cases were closed by Mr. Pruitt's successor, and 13 of those had been filed in 2014 or 2015. In other words, in the approximately five months after Mr. Pruitt's departure, the new OK AG was able to clear up Mr. Pruitt's years-long ORA backlog so that no requests have now been pending for more than seven months. Under Mr. Pruitt's leadership, some ORA requestors waited over two years for a response.

A closer look at the backlog that accrued under Mr. Pruitt suggests this was not mere happenstance. At least 28 of the ORA requests that remained unanswered when Mr. Pruitt became EPA Administrator related to information that would be relevant to Mr. Pruitt's position at EPA, including:

- Ten requests for correspondence with energy companies or related organizations;
- Six requests for correspondence with groups that have taken positions on matters before the EPA, such as the U.S. Chamber of Commerce and the Republican Attorney Generals Association;
- Four requests for documents related to Mr. Pruitt's attacks on the Humane Society of the United States or the right to farm;



- Three requests related to Mr. Pruitt's processing of ORA requests;
- Three requests for correspondence related to matters before the EPA; and
- Two requests for Mr. Pruitt's calendars.

In sum, Mr. Pruitt's pattern of misstatements and attempted obfuscation of his email use, linked with his "abjectly" delayed ORA responses regarding those emails, has been a self-serving effort to conceal his ties to industries that have given money to him in the past, and which he now regulates. This conduct on its face appears to violate the standards of professional responsibility that Mr. Pruitt has taken an oath to uphold. I hope this information is of assistance to the Bar, and urge it to complete a thorough investigation into the allegations raised against him by the Center for Biological Diversity and Professor Kristen van de Biezenbos.

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[1] Making false statements to Congress is an offense punishable under 18 U.S.C. 1001 (prohibiting knowing or willful "[m]aterially false, fictitious, or fraudulent statement or representation.").

[2] Senator Tom Carper, *EPW Dems Demand Substantive, Straightforward Answers from Scott Pruitt*, Feb. 1, 2017, <https://www.epw.senate.gov/public/index.cfm/2017/2/epw-dems-demand-substantive-straightforward-answers-from-scott-pruitt>

[3] Phil McCausland, *Scott Pruitt, President Trump's EPA Nominee, Ordered to Release Thousands of Emails*, NBC News (Feb. 16, 2017, 9:26 PM EST), <http://www.nbcnews.com/news/us-news/scott-pruitt-president-trump-s-epa-nominee->

ordered-release-thousands-n722161.

[4] Dino Grandoni, *Scott Pruitt Used Two Government Email Addresses in His Last Job. He Told Congress He Used One*, Washington Post (June 14, 2017), [https://www.washingtonpost.com/news/powerpost/wp/2017/06/14/pruitt-used-two-government-email-addresses-in-his-last-job-he-told-congress-he-used-one/?utm\\_term=.06ddebbad78c](https://www.washingtonpost.com/news/powerpost/wp/2017/06/14/pruitt-used-two-government-email-addresses-in-his-last-job-he-told-congress-he-used-one/?utm_term=.06ddebbad78c).

[5] District of Columbia Bar, *Ethics Opinion 323: Misrepresentation by an Attorney Employed by a Government Agency as Part of Official Duties*, <http://www.dcbbar.org/bar-resources/legal-ethics/opinions/opinion323.cfm> (accessed July 6, 2017).

[6] See, e.g., *In re Abrams*, 689 A.2d 6, 19 (D.C. Ct. App. 1997) (agreeing that the D.C. Board on Professional Responsibility recommendation of a one-year suspension of the law license of Elliott Abrams, an Assistant Secretary of State, for giving false testimony to the Senate Foreign Relations Committee would have been appropriate for the offense); *State ex rel. Neb. State Bar Ass'n v. Cook*, 194 Neb. 364, 388 (1975) (suspending the law license of Securities and Exchange Commission Chairman G. Bradford Cook for three years for committing perjury in grand jury and Congressional testimony); *District of Columbia Bar v. Kleindienst*, 345 A.2d 146, 149 (D.C. Ct. App. 1975) (suspending the law license of Richard Kleindienst, President Nixon's nominee to be Attorney General, for thirty days for lying at his confirmation hearing before the Senate Judiciary Committee about White House efforts to influence Department of Justice proceedings).

[7] Eric Lipton, *Energy Firms in Secretive Alliance with Attorneys General*, N.Y. Times (Dec. 6, 2014), <https://www.nytimes.com/2014/12/07/us/politics/energy-firms-in-secretive-alliance-with-attorneys-general.html>.

[8] Hiroko Tabuchi & Eric Lipton, *How Rollbacks at Scott Pruitt's E.P.A. Are a Boon to Oil and Gas*, N.Y. Times (May 20, 2017), <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>.

**To:** Press[Press@epa.gov]  
**From:** Amanda Reilly  
**Sent:** Tue 7/18/2017 7:06:10 PM  
**Subject:** Comment on Whitehouse letter?

Good afternoon,

Amanda Reilly from E&E News here. Do you have a comment from EPA on the below letter sent today by Sen. Sheldon Whitehouse? My deadline is 4 p.m. Eastern.

Thanks,

Amanda

**Amanda Reilly**

E&E News legal reporter

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy (office)

Ex. 6 - Personal Privacy (mobile)

Ex. 6 - Personal Privacy

**E&E NEWS**

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**FOR IMMEDIATE RELEASE**

**Contact: Rich Davidson**

**July 18, 2017**

**(202) 228-6291 (press office)**

## **Whitehouse Weighs In with Oklahoma Bar on Pruitt's Pattern of Stonewalling and Dishonesty**

***New records show Pruitt's office sat on dozens of Oklahoma Open Records Act requests related to Pruitt's relationship to industry***

***'This conduct is unbecoming of an attorney who is also a public official and who, under law, is required to testify truthfully to Congress'***

*Washington, DC* – Today, Senator Sheldon Whitehouse (D-RI) filed documents with the Oklahoma Bar Association to supplement a complaint filed against Environmental Protection Agency (EPA) Administrator Scott Pruitt, including new records suggesting Pruitt's former office stonewalled Senators during his confirmation process. Whitehouse, who is listed as a witness on the complaint, submitted a letter and exhibits to supplement the complaint showing how Pruitt evaded, misled, or obstructed members of the Senate Environment and Public Works Committee. This behavior, writes Whitehouse to the Bar Association, "initially stymied our Committee's ability to adequately discharge our advice and consent responsibilities and presently stymie its ability to conduct effective oversight of Mr. Pruitt and EPA."

The complaint, filed by the Center for Biological Diversity and Professor Kristen van de Biezenbos of the University of Oklahoma College of Law, alleges Pruitt violated the Oklahoma Bar Association's standards of professional responsibility by misleading the Committee. Pruitt is barred in Oklahoma and served as Attorney General from 2011 to 2017 before arriving at the EPA.

"I have had a front-row seat for Mr. Pruitt's misleading testimony and his ongoing failure to respond completely and truthfully to Committee requests for him to set the record straight," Whitehouse writes. "This conduct is unbecoming of an attorney who is also a public official and who, under law, is required to testify truthfully to Congress."

Whitehouse's submissions chronicle Pruitt's growing list of misstatements to Congress about his use of personal and government email accounts to conduct official business as Oklahoma Attorney General and communicate with industry players he is now charged with regulating – like Devon Energy and the American Fuel & Petrochemical Manufacturers.

Also included in the submission is a pair of newly released lists of Oklahoma Open Records Act (ORA) requests, which show the Oklahoma Attorney General's office under Pruitt's leadership sat on information directly relevant to Pruitt's future role at the EPA. The logs show pending and completed ORA requests from the Oklahoma Attorney General's office under Pruitt's successor. In roughly five months on the job, current Oklahoma Attorney General Mike Hunter cleared the ORA backlog that grew under Pruitt's watch, including over a dozen requests dating back to 2014 and 2015. Of this Pruitt backlog, at least 28 requests related to information that would be relevant to his current role at EPA, including:

- Ten requests for Pruitt's correspondence with energy companies or related organizations;
- Six requests for correspondence with groups that have taken positions on matters before the EPA, such as the U.S. Chamber of Commerce and the Republican Attorney Generals Association;
- Four requests for documents related to Mr. Pruitt's attacks on the Humane Society of the United States or the right to farm;
- Three requests related to Mr. Pruitt's processing of ORA requests;
- Three requests for correspondence related to matters before the EPA; and
- Two requests for Mr. Pruitt's calendars.

Democrats boycotted the Environment and Public Works Committee vote in February after he refused to provide the Committee information regarding his use of emails and his connections to industry. After Pruitt was confirmed, records released by the Oklahoma Attorney General showed he had used a personal email address to conduct state business and that he had a special alias government email address that he did not list on his documentation for the Senate.

"Mr. Pruitt's pattern of misstatements and attempted obfuscation of his email use, linked with his

‘abjectly’ delayed ORA responses regarding those emails, has been a self-serving effort to conceal his ties to industries that have given money to him in the past, and which he now regulates,” Whitehouse concludes. “This conduct on its face appears to violate the standards of professional responsibility that Mr. Pruitt has taken an oath to uphold.”

**Full text of Whitehouse’s letter to the Bar Association is below. A PDF copy of the letter and exhibits can be accessed [here](#).**

July 18, 2017

Gina Hendryx

General Counsel

Oklahoma Bar Association

1901 N Lincoln Boulevard

PO Box 53036

Oklahoma City, OK 73105

Dear Ms. Hendryx,

We write in reference to your ongoing investigation of Edward Scott Pruitt, a member of the State of Oklahoma Bar and former state Attorney General, who now serves as Administrator of the U.S. Environmental Protection Agency (EPA). Through this letter I am providing additional relevant information for the Bar’s consideration.

On March 21, the Center for Biological Diversity and University of Oklahoma law professor

Kristen van de Biezenbos filed a complaint with you alleging Mr. Pruitt's inconsistent and contradictory statements to the Senate Environment and Public Works Committee (EPW Committee) about his email use violated Rule 8.4(c) of the Oklahoma Rules of Professional Conduct. I was listed on the complaint as witness.

Although I do not have any non-public information about Mr. Pruitt's testimony before Congress, I have had a front-row seat for Mr. Pruitt's misleading testimony and his ongoing failure to respond completely and truthfully to Committee requests for him to set the record straight. His misleading answers, evasiveness, and stonewalling initially stymied our Committee's ability to adequately discharge our advice and consent responsibilities and presently stymie its ability to conduct effective oversight of Mr. Pruitt and EPA. This conduct is unbecoming of an attorney who is also a public official and who, under law, is required to testify truthfully to Congress.

### *Facts*

On December 8, 2016, President-Elect Trump announced he would nominate Mr. Pruitt to lead the EPA. On January 4, 2017, Mr. Pruitt submitted his required pre-hearing questionnaire to the EPW Committee, listing a "@me.com" email address as his "Business E-Mail." Exhibit A. E-mail use and addresses have been a significant political issue, as the Bar well knows. This was the only email address he provided on that form. It was a misstatement. At his January 18, 2017 confirmation hearing,<sup>[1]</sup> I asked Mr. Pruitt whether that disclosure form had been accurate. He responded, "The @me.com address is not a business email address, I'm not sure why it was designated as such." Exhibit B.

I then noted, "You also have an @oag.ok.gov address. Are there other email addresses that you have, are there other email address that you use for business other than your @me.com and your @oag.ok.gov email addresses?" Mr. Pruitt answered "[t]here are no other email addresses if that's your question, senator." *Id.* That has been shown to be another misstatement.

In post-hearing questions for the record, I asked Mr. Pruitt: "How many email addresses have you used since becoming Attorney General of Oklahoma? How many do you still use? Please provide the domains of all email addresses you've used during your time as Attorney General of Oklahoma, along with the dates used, and note whether they were personal, professional, or both." Exhibit C. On January 24, 2017, as part of a woefully inadequate set of responses to EPW Member questions, Mr. Pruitt provided the following written response to this question:

“I have used **two e-mail addresses** since becoming Attorney General of Oklahoma. I use a personal e-mail address for personal e-mail, and **an** official e-mail address for official business. The domain of my personal e-mail address is me.com and the domain for my official e-mail address is oag.ok.gov.” (emphasis added). *Id.*

This has proven to be a third misstatement.

Despite numerous outstanding questions about Mr. Pruitt’s email practices and other issues raised by us and other Members of the EPW Committee, the Committee majority scheduled a vote to report Mr. Pruitt’s nomination to the full Senate on February 1, 2017, forcing Committee Democrats to take the drastic step of boycotting the vote.<sup>[2]</sup> Mr. Pruitt reported out of Committee without any Democrats present on February 2, 2017.

As the full Senate was considering Mr. Pruitt’s nomination, the Center for Media and Democracy filed an Open Records Act (ORA) lawsuit against the Office of Oklahoma Attorney General (OK AG) for failing to respond to its ORA requests for more than two years. The lawsuit demanded that the OK AG produce, among other things, Mr. Pruitt’s emails to certain energy companies that he would be responsible for regulating as EPA Administrator. In ordering the release of records, Judge Aletia Haynes Timmons of the Seventh District Court of Oklahoma found that there had been “[a]n abject failure to provide prompt and reasonable access to documents requested . . . .”<sup>[3]</sup> This “abject failure” can be seen as bearing on Mr. Pruitt’s intent in the several misstatements.

Mr. Pruitt was confirmed by the Senate to be EPA Administrator, over the objections of many Senators that he was not forthcoming with the Senate on February 17, 2017.

On February 21, the OK AG’s Office released 7,564 pages of Mr. Pruitt’s email correspondence under the court-ordered disclosure. Documents in this disclosure showed Mr. Pruitt used his @me.com email address for business purposes, contradicting his January 24 responses to the Committee. Emails to a previously undisclosed email address, [esp@oag.ok.gov](mailto:esp@oag.ok.gov), were included in this disclosure but were not associated with Mr. Pruitt. These released documents show that people outside of the OK AG’s office emailed Mr. Pruitt at the undisclosed [esp@oag.ok.gov](mailto:esp@oag.ok.gov) email address as far back as 2014 and his personal email address about official business as far



back as 2013.

Emails using the @me.com address include (Exhibit D):

- August 14, 2013 email to Mr. Pruitt from Sarah K. Magruder Lyle, Vice-President of Strategic Initiatives at the American Fuel & Petrochemical Manufacturers (AFPM), copying Clayton Eubanks (then solicitor general). The email included the AFPM's Renewable Fuels Standard (RFS) waiver petition it filed with EPA and expressed AFPM's interest in Oklahoma "filing a similar waiver requests highlighting the environmental harm caused by the RFS mandate."
- April 16, 2013 email from Amy KJose Anderson, Civil Justice Task Force Director and Oklahoma Membership Contact at the American Legislative Exchange Council (ALEC) to Mr. Pruitt, Ashley Olmstead (Pruitt's then-executive assistant), and Melissa Houston (Pruitt's then-chief of staff), copying Derek Albro (Devon Energy), regarding his remarks at an ALEC meeting. (@me.com was redacted)

On February 24, Oklahoma Fox 25 reported on emails it received in response to its long-languishing (under Attorney General Pruitt) ORA request(s) that showed Mr. Pruitt had used his personal @me.com account for official business. The story also included confirmation from the OK AG's office that Mr. Pruitt used his private email for state business. Exhibit E.

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Email disclosures are how Congress learned of Mr. Pruitt’s symbiotic relationship with the energy companies he now regulates as EPA Administrator. In a Pulitzer Prize winning investigation, *The New York Times* documented Mr. Pruitt’s practice of raising political funds from energy companies such as Devon Energy and then supporting their interests through litigation against the EPA and the regulatory process. [7] In May, *The New York Times* reported on a checklist of rollbacks by the EPA that specifically benefit long-time Pruitt benefactor Devon Energy.[8]

Additional facts have recently come to light that suggest that under Mr. Pruitt’s leadership, the Office of Attorney General stonewalled public efforts to obtain records under Oklahoma Open Records Act, making his evasive and misleading answers to the Committee even more troubling. Because he successfully delayed the public disclosure of his emails before being confirmed, Congress did not know the breadth—and continues to be unsure of the full extent—of his

interactions with Devon, other energy companies, and other parties interested in EPA issues before becoming EPA Administrator.

On February 2, 2017, I requested a list of all pending Open Records Act requests with the OK AG. On June 16, 2017, the OK AG responded to my request with a list of 77 then-pending ORA requests. None were beyond six months old, with the first dated December 7, 2016. Exhibit J.

The OK AG subsequently provided my office a list of 78 ORA requests that it had closed since February 2, 2017. Exhibit K. Seventy-five of those cases were closed by Mr. Pruitt's successor, and 13 of those had been filed in 2014 or 2015. In other words, in the approximately five months after Mr. Pruitt's departure, the new OK AG was able to clear up Mr. Pruitt's years-long ORA backlog so that no requests have now been pending for more than seven months. Under Mr. Pruitt's leadership, some ORA requestors waited over two years for a response.

A closer look at the backlog that accrued under Mr. Pruitt suggests this was not mere happenstance. At least 28 of the ORA requests that remained unanswered when Mr. Pruitt became EPA Administrator related to information that would be relevant to Mr. Pruitt's position at EPA, including:

- [REDACTED] Ten requests for correspondence with energy companies or related organizations;
- [REDACTED] Six requests for correspondence with groups that have taken positions on matters before the EPA, such as the U.S. Chamber of Commerce and the Republican Attorney Generals Association;
- [REDACTED] Four requests for documents related to Mr. Pruitt's attacks on the Humane Society of the United States or the right to farm;
- [REDACTED] Three requests related to Mr. Pruitt's processing of ORA requests;
- [REDACTED] Three requests for correspondence related to matters before the EPA; and
- [REDACTED] Two requests for Mr. Pruitt's calendars.

In sum, Mr. Pruitt's pattern of misstatements and attempted obfuscation of his email use, linked

with his “abjectly” delayed ORA responses regarding those emails, has been a self-serving effort to conceal his ties to industries that have given money to him in the past, and which he now regulates. This conduct on its face appears to violate the standards of professional responsibility that Mr. Pruitt has taken an oath to uphold. I hope this information is of assistance to the Bar, and urge it to complete a thorough investigation into the allegations raised against him by the Center for Biological Diversity and Professor Kristen van de Biezenbos.

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[1] Making false statements to Congress is an offense punishable under 18 U.S.C. 1001 (prohibiting knowing or willful “[m]aterially false, fictitious, or fraudulent statement or representation.”).

[2] Senator Tom Carper, *EPW Dems Demand Substantive, Straightforward Answers from Scott Pruitt*, Feb. 1, 2017, <https://www.epw.senate.gov/public/index.cfm/2017/2/epw-dems-demand-substantive-straightforward-answers-from-scott-pruitt>

[3] Phil McCausland, *Scott Pruitt, President Trump’s EPA Nominee, Ordered to Release Thousands of Emails*, NBC News (Feb. 16, 2017, 9:26 PM EST), <http://www.nbcnews.com/news/us-news/scott-pruitt-president-trump-s-epa-nominee-ordered-release-thousands-n722161>.

[4] Dino Grandoni, *Scott Pruitt Used Two Government Email Addresses in His Last Job. He Told Congress He Used One*, Washington Post (June 14, 2017), [https://www.washingtonpost.com/news/powerpost/wp/2017/06/14/pruitt-used-two-government-email-addresses-in-his-last-job-he-told-congress-he-used-one/?utm\\_term=.06ddebbad78c](https://www.washingtonpost.com/news/powerpost/wp/2017/06/14/pruitt-used-two-government-email-addresses-in-his-last-job-he-told-congress-he-used-one/?utm_term=.06ddebbad78c).

[5] District of Columbia Bar, *Ethics Opinion 323: Misrepresentation by an Attorney Employed by a Government Agency as Part of Official Duties*, <http://www.dcbbar.org/bar-resources/legal-ethics/opinions/opinion323.cfm> (accessed July 6, 2017).

[6] See, e.g., *In re Abrams*, 689 A.2d 6, 19 (D.C. Ct. App. 1997) (agreeing that the D.C. Board on Professional Responsibility recommendation of a one-year suspension of the law license of Elliott Abrams, an Assistant Secretary of State, for giving false testimony to the Senate Foreign Relations Committee would have been appropriate for the offense); *State ex rel. Neb. State Bar Ass'n v. Cook*, 194 Neb. 364, 388 (1975) (suspending the law license of Securities and Exchange Commission Chairman G. Bradford Cook for three years for committing perjury in grand jury and Congressional testimony); *District of Columbia Bar v. Kleindienst*, 345 A.2d 146, 149 (D.C. Ct. App. 1975) (suspending the law license of Richard Kleindienst, President Nixon's nominee to be Attorney General, for thirty days for lying at his confirmation hearing before the Senate Judiciary Committee about White House efforts to influence Department of Justice proceedings).

[7] Eric Lipton, *Energy Firms in Secretive Alliance with Attorneys General*, N.Y. Times (Dec. 6, 2014), <https://www.nytimes.com/2014/12/07/us/politics/energy-firms-in-secretive-alliance-with-attorneys-general.html>.

[8] Hiroko Tabuchi & Eric Lipton, *How Rollbacks at Scott Pruitt's E.P.A. Are a Boon to Oil and Gas*, N.Y. Times (May 20, 2017), <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>.

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Block, Molly[block.molly@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]  
**From:** Ferguson, Lincoln  
**Sent:** Wed 1/17/2018 11:04:48 PM  
**Subject:** FW: Tar Creek audit lawsuit

Looping you all in

**From:** Mike Soraghan [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Wednesday, January 17, 2018 6:02 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** Tar Creek audit lawsuit

Mr. Bowman, Mr. Ferguson,

Hi. The state auditor of Oklahoma has filed a response in the open records lawsuit seeking release of the Tar Creek audit. He is asking for a court order to release it. He also alleges that Mr. Pruitt had already released it to the LICRAT board. I cannot tell at this point if he is alleging that that release to the LICRAT board was improper.

Please let me know if EPA or Administrator Pruitt has any comment.

Thank you,

Mike Soraghan

E&E News reporter

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**To:** Bodine, Susan[bodine.susan@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]  
**From:** Ferguson, Lincoln  
**Sent:** Mon 11/13/2017 3:34:54 PM  
**Subject:** RE: FYI

Also FYI,

<https://www.cato.org/multimedia/cato-daily-podcast/oklahoma-tightens-rules-civil-asset-forfeiture>

**From:** Ferguson, Lincoln  
**Sent:** Monday, November 13, 2017 10:32 AM  
**To:** Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>  
**Subject:** FYI

[http://www.oklahoman.com/article/5571583?embargo\\_redirect=yes](http://www.oklahoman.com/article/5571583?embargo_redirect=yes)

State will investigate second Eagle Industries site

MIDWEST CITY — Facing questions from an anxious public, the Oklahoma Department of Environmental Quality has begun investigating another Eagle Industries site after determining company employees illegally dumped cancer-causing toxins two miles away from a site previously investigated.

Government records show the new site, at 8828 SE 29 St. in Midwest City, was found to have contained radiation two decades ago. A former Eagle employee told *The Oklahoman* he and co-workers dumped thousands of gallons of trichloroethylene (TCE) there after washing their hands and faces with the carcinogen.

"I dumped lots of it myself without even knowing. I had no idea of the cancer-causing agent this was," said Jerry Sultuska, who considers himself lucky to be alive at age 76.

DEQ's decision to broaden its investigation into Eagle's contamination comes at a time when the Environmental Protection Agency is weighing whether to make a former Eagle site two miles east at 10901 SE 29 one of the nation's highest priorities for cleanup.

"They're really going to have to do something with the old site," Sultuska said.

### **'We just had no idea'**

Eagle opened in 1957 as a repairer and reseller of aircraft parts at 8828 SE 29, a lengthy one-story brick building near the Oklahoma City border. Sultuska says he went to work there four years later, in 1961.

TCE was, at the time, not only legal but widely used as a degreaser. At Eagle, employees would use TCE in ultrasonic cleaners and, according to Sultuska, would wash their hands in TCE to keep oil and grease off oxygen tanks they were repairing. With TCE on their hands, employees would often wipe their eyes and rub their faces, Sultuska said.

"We just had no idea in those days," he said with a sigh from his home in Heavener.

Worse yet, he says, excess TCE was dumped indiscriminately on the plot of land behind the warehouse, where it would have entered the soil and groundwater.

"You'd just take it outside and dump it out on the ground," he said nonchalantly. There were no attempts to store the contaminating waste. "All of that trichloroethylene, when we were done with it, went straight into the ground."

"Looking back, it was horrible, terrible. There must have been thousands of gallons dumped," he said.

If Sultuska's memory serves him correctly, Eagle Industries polluted groundwater at its first address, 8828 SE 29, in much the same way it did at its second address, 10901 SE 29. The latter is on its way to becoming an EPA Superfund site after TCE was found in residential groundwater 14 years ago. Sultuska claims 8828 SE 29 is not only contaminated, but is far more contaminated than the other site.

### **A trigger**

Whether that is true is for Amy Brittain to determine.

Brittain is DEQ's environmental programs manager. On a recent Monday morning at the state agency's downtown Oklahoma City office, she explained how the EPA's efforts at 10901 SE 29 prompted concerned citizens to question whether the same pollution had occurred at 8828 SE 29.

"That was a trigger for us," said DEQ spokeswoman Erin Hatfield.

Brittain and others at DEQ will follow an EPA-funded process identical to the one that led them to contamination at the other Eagle site. It begins with digging, not through soil, but through agency records to find prior complaints and checking with other state agencies to better understand the property. Soil, air or water tests are likely a year away.

It's a diligent process that often appears slow to the public but is necessarily thorough, Hatfield says.

"We don't want people to be scared or worried," she said. "We try to be very transparent about all of this so people know what's going on."

### **Radioactive**

Records provided by the DEQ show:

After Eagle Industries changed locations, the owner's son-in-law attempted to dispose of scrap metal from the old site at a Muskogee scrapyard in June of 1997. The scrapyard, however, refused it and understandably so. It was radioactive.

The Midwest City Fire Department received an anonymous tip about radioactive waste at 8828 SE 29 and responded, according to one report, "in a state of nervous concern." They demanded that Jerry Tubbs, a lawyer for the estate, grant them access immediately. If he didn't, they would break down the door and enter on their own.

DEQ experts were called in. When they scanned empty boxes in the old warehouse for radiation, their meter maxed out. So, they used a stronger meter. Then that one maxed out. There was radium in the paint used by Eagle for decades.

A man who lived in an RV next to the radioactive warehouse was sent by firefighters to a VA hospital to be checked for radiation exposure. A doctor of nuclear medicine determined he was likely fine.

"A fire in this building would not be a good thing," a DEQ memo from 1997 states in a bureaucratic tone of understatement. "Some of the radium would go into the smoke. As discussed, radium is something you don't want to inhale. Presumably, some of the smoke would settle out and contaminate whatever it landed on. I wouldn't expect this to result in high levels of contamination, but (fortunately!!!) we have no experience to draw on to be sure of this."

In September of 1998, DEQ sent a letter to the Midwest City Fire Department, making clear the radioactive building should not be rented or sold until the radiation is removed. But eight years later, without an owner's knowledge, the building was demolished. Soil beneath it was excavated and placed in 15 large drums left in overgrown brush on the property.

Enter Mary Jane Calvey. As a DEQ employee, Calvey oversaw cleanup efforts at the Tar Creek Superfund site in far northeastern Oklahoma before founding an environmental consulting firm in the mid-2000s. In 2007, her firm was hired to handle cleanup at the former Eagle site. The 15 drums were marked as radioactive, buried two feet underground and encased in concrete. She says there was no sign of water contamination.

"My clients worked with DEQ to get the soils cleaned up adequately. There was a water sample taken from an on-site well that was clean — the well was properly plugged later," Calvey said last week when reached by email.

DEQ officials doubt, however, that a test for radium would have found TCE. They plan to move ahead with their own investigation of the site, including possible soil and water tests.

"What we know to be an issue, we dealt with," Hatfield said, referring to the radiation.

### **'This big ol' Earth'**

Prospective Superfund sites work on a point system. Did the site expose employees to contamination? Add some points. Did it expose nearby residents? Add some more points. If there are enough points at the end of the investigation, it can become a Superfund site, Brittain explains.

Eagle Industries' pollution of 10901 SE 29, for which it never paid a fine, has contaminated water wells for at least two decades, officials said. It will almost certainly become a Superfund site and may be placed on a nationwide priority list, making it one of the EPA's most pressing matters.

Taxpayers have already spent at least \$140,235 cleaning up that Eagle site and will likely spend millions of dollars more over the next decade. An underground plume of toxic chemicals will soon affect another 30 homes and businesses as it moves southwest, officials predict.

What exists below the surface of 8828 SE 29 remains to be discovered. When radium was discovered there in 2007, inspectors compared it to Sooner Dial, a Superfund site 90 miles west in Clinton. In fact, gamma rays at Eagle were more than four times as numerous as those at Sooner Dial.

The plot of land at 8828 SE 29 is now empty, its grass patchy and dead. Nearby, a "private property" sign hangs on a chain-link fence topped with barbed wire. Radiation there was identified, contained and removed, according to DEQ records. Trichloroethylene, if it exists there, has not been.

As for Sultuska, he says naiveté of the 1950s and 1960s has given way to knowledge of the damage TCE and other chemicals cause. He worries about the negative health effects Eagle's pollution created in his co-workers, in nearby residents and himself.

"I had no idea there was anything you could pour into this big ol' Earth that would harm it," he said.

**Lincoln Ferguson**

Senior Advisor to the Administrator

U.S. EPA

(202) 564-1935

**To:** Liz Bowman (Bowman.Liz@epa.gov)[Bowman.Liz@epa.gov]; Jahan Wilcox (wilcox.jahan@epa.gov)[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Graham, Amy  
**Sent:** Fri 9/1/2017 6:39:42 PM  
**Subject:** FW: Request for comment from Administrator Pruitt

No response on this one

**From:** Mike Soraghan [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Friday, September 1, 2017 1:27 PM  
**To:** Graham, Amy <graham.amy@epa.gov>  
**Subject:** Request for comment from Administrator Pruitt

Ms. Graham,

Hi. Mike Soraghan here at E&E. I'm writing a story today about Mr. Pruitt and the Tar Creek Superfund site in northeast Oklahoma. I took a look at it because of Pruitt's work with the site, as documented during his confirmation, and his current emphasis on Superfund.

As Oklahoma Attorney General, Mr. Pruitt requested an audit of the organization handling the buyout of certain residents in 2011 and said in 2015 he would not bring charges. Mr. Pruitt also rejected the state auditor's request that the audit be publicly released. Mr. Jones, open government advocates and other officials have said it should have been released in 2015 and should be released now.

I'm seeking general comment for my story, and an answer to this question: given his emphasis on Superfund, would Mr. Pruitt revise his earlier position and urge the current attorney general to release the audit to the public? I'm trying to finish my reporting today, but I could add something as late as Monday evening.

Thank you for your help,

Mike Soraghan

E&E News reporter

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**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Mike Soraghan  
**Sent:** Mon 7/2/2018 2:34:22 PM  
**Subject:** question from reporter on FOIA docs

Mr. Jackson,

Mike Soraghan here at E&E. You called me to talk about Tar Creek a couple of months ago. I'm writing to ask about a separate matter. The recent FOIA documents indicate that you were key a point of contact for lobbyists, such as those for the pork producers, highway builders and Monsanto. It also indicated you succeeded in getting things done for them. Is that the traditional role of chiefs of staff in previous administrations? Have you taken it in a different direction?

Thanks,

Mike Soraghan

E&E News reporter

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**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Mike Soraghan  
**Sent:** Mon 7/2/2018 2:54:24 PM  
**Subject:** RE: question from reporter on FOIA docs

You're welcome. Thank you for getting back to me.

Mike Soraghan

E&E News reporter

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**From:** Jackson, Ryan [mailto:jackson.ryan@epa.gov]  
**Sent:** Monday, July 02, 2018 10:51 AM  
**To:** Mike Soraghan <Ex. 6 - Personal Privacy>  
**Subject:** RE: question from reporter on FOIA docs

I don't think it is a different direction. A chief of staff has specific responsibilities, but broader responsibilities to ensure a variety of things get completed, addressed, and worked out. Thank you for the acknowledgement of succeeding in getting some things accomplished though. I try to do that.

**From:** Mike Soraghan [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Monday, July 2, 2018 10:34 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** question from reporter on FOIA docs

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Mike Soraghan

E&E News reporter

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**To:** Mike Soraghan [Ex. 6 - Personal Privacy]  
**From:** Jackson, Ryan  
**Sent:** Mon 7/2/2018 2:50:55 PM  
**Subject:** RE: question from reporter on FOIA docs

I don't think it is a different direction. A chief of staff has specific responsibilities, but broader responsibilities to ensure a variety of things get completed, addressed, and worked out. Thank you for the acknowledgement of succeeding in getting some things accomplished though. I try to do that.

**From:** Mike Soraghan [mailto:[Ex. 6 - Personal Privacy]]  
**Sent:** Monday, July 2, 2018 10:34 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** question from reporter on FOIA docs

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Mike Soraghan

E&E News reporter

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**To:** Kelly, Albert[kelly.albert@epa.gov]  
**From:** Edlund, Carl  
**Sent:** Tue 1/30/2018 6:19:21 PM  
**Subject:** Some Interesting R6 Superfund Items  
[Daily News Digest 01302018.pdf](#)  
[ATT00001.htm](#)

- #10. San Jacinto- PRP's funded citizens group (John Meyer to head a public meeting in Galveston tonight at the request of members of that group)
- #2. Tar Creek- risk assessment aimed at uses of the environment
- #1. Camp Minden- Burn chamber stuck on site.

Sent from my iPad

Begin forwarded message:

**From:** "Hubbard, Joseph" <[Hubbard.Joseph@epa.gov](mailto:Hubbard.Joseph@epa.gov)>  
**To:** "R6Press" <[R6Press@epa.gov](mailto:R6Press@epa.gov)>  
**Subject:** Daily News Digest, Tuesday, Jan. 30

**1 — More questions over the future of the Camp Minden burn chamber, KTBS, 1/29/18**

[https://www.ktbs.com/news/arklatex-indepth/more-questions-over-the-future-of-the-camp-minden-burn/article\\_64e58c2c-05c7-11e8-a329-472c9a69530b.html](https://www.ktbs.com/news/arklatex-indepth/more-questions-over-the-future-of-the-camp-minden-burn/article_64e58c2c-05c7-11e8-a329-472c9a69530b.html)

Its mission was completed almost 10 months ago, but the contained burn chamber at Camp Minden that successfully destroyed millions of pounds of dangerous explosives has been idle since then. Many had hoped it would be gone by now, but it looks like it may take many more months before that happens. The state of Louisiana, as owner of the burn chamber, offered the multi-million dollar chamber for bid last fall, interest wasn't that high.

**2 — EPA surveys Oklahoma residents near polluted site, Seattle Times, 1/29/18**

<https://www.seattletimes.com/nation-world/epa-surveys-oklahoma-residents-near-polluted-site/>

The U.S. Environmental Protection Agency is asking residents near a polluted site in northeast Oklahoma how much fish they eat and how often they wade in the local waters.

Two surveys were administered by the EPA's Technical Assistance for Communities to residents of areas near the Tar Creek Superfund site, the Tulsa World reported. They ask residents to gauge the accuracy of certain statements and offer comments for improvements.

### **3 — NCC following regulatory issues affecting cotton, Delta Farm Press, 1/29/18**

<http://www.deltafarmpress.com/cotton/ncc-following-regulatory-issues-affecting-cotton>

Dicamba, pollinators, pesticide reregistration, worker protection, glyphosate evaluation, endangered species and online pesticide labels are all issues that bear watching by farmers and consultants in coming months, according to a National Cotton Council spokesman. Don Parker, NCC manager for integrated pest management, offered an update on regulatory issues during the Crop Consultant's Conference, the opening session for the 2018 Beltwide Cotton Conferences held in early January in San Antonio, Texas.

### **4 — EPA supports state revisions on haze rule; utilities still plan to reduce nitrogen-oxide emissions, Ark. Democrat Gazette, 1/30/18**

<http://newsok.com/epa-rejects-part-of-arkansas-anti-haze-plan-it-had-set/article/feed/1694245>

The U.S. Environmental Protection Agency has approved Arkansas' plan to implement part of a federal rule designed to enhance visibility in national wilderness areas, the agency announced Monday, but it won't change utilities' plans for complying with the rule. The agency approved the Arkansas Department of Environmental Quality's plan to reduce nitrogen-oxide emissions in the state, which is among the less contentious portions of the Regional Haze Rule.

### **5 — EPA rejects part of Arkansas anti-haze plan it had set, Oklahoman, 1/29/18**

<http://newsok.com/epa-rejects-part-of-arkansas-anti-haze-plan-it-had-set/article/feed/1694245>

Federal regulators said Monday they will let Arkansas enforce a portion of its own haze-reduction program, prompting criticism from environmentalists who say the plan is too weak. The U.S. Environmental Protection Agency approved Arkansas' proposal for reducing nitrogen oxide, which with sulfur dioxide contributes to haze. Additional parts of the state's haze-reduction plan are still under review.

**6 — C and H Hog Farm owner defends operation, says Buffalo River unharmed, Ark. Times, 1/29/18**

<https://m.arktimes.com/ArkansasBlog/archives/2018/01/29/c-and-h-hog-farm-owner-defends-operation-says-buffalo-river-unharmed>

KOLR-10 TV in Springfield/Branson landed a rare interview with Jason Henson, co-owner of the C and H Hog Farm in Mount Judea, which is fighting to keep a permit for its factory hog feeding operation near a major tributary of the Buffalo River. Henson says science is on his side — that the operation is not endangering the Buffalo River.

**7 — MIKE MASTERSON: Arkansas' top attraction, Ark. Democrat Gazette, 1/30/18**

<http://www.arkansasonline.com/news/2018/jan/30/good-and-bad-20180130/>

First, some good news. A USA Today readers' poll has just named our Buffalo National River, the country's first to be so designated, as the state's best in its list of "Top Ten Arkansas Attractions." That's not surprising since nearly 1.8 million visitors came to enjoy our national treasure in 2016, sharing some \$78 million with related businesses and area communities. Now, the bad news. The very same 154-mile-long Buffalo was named in a 2017 report by the American National Rivers advocacy group as among the country's "Most Endangered Rivers."

**8 — Governor attends opening of new coastal laboratory, Times Picayune, 1/30/18**

[http://www.nola.com/environment/index.ssf/2018/01/governor\\_attends\\_opening\\_of\\_ne.html#incart\\_river\\_ind](http://www.nola.com/environment/index.ssf/2018/01/governor_attends_opening_of_ne.html#incart_river_ind)

Gov. John Bel Edwards attended the opening of Louisiana State University's new coastal laboratory Monday (Jan. 29.) The Center for Coastal Studies will be used to test the viability of restoration projects to address the state's alarming rate of coastal land loss.

**9 — Bayou Bridge Pipeline's controversial construction begins, Times Picayune, 1/29/18**

[http://www.nola.com/environment/index.ssf/2018/01/bayou\\_bridge\\_pipeline\\_construc.html](http://www.nola.com/environment/index.ssf/2018/01/bayou_bridge_pipeline_construc.html)

Construction of the controversial Bayou Bridge oil pipeline has begun at multiple sites on its 163-mile route from St. James Parish to Lake Charles. Energy Transfer, the parent company of the pipeline announced last week that it recently finished a two-year permitting



process and immediately set to work. The company declined to provide specifics about construction sites or the timing of construction. The pipeline would eventually connect with the controversial Dakota Access pipeline carrying Bakken oil from North Dakota.

#### **10 — Company Tasked With Superfund Cleanup Quietly Supported Groups Opposing The EPA’s Plan, KUHT, 1/26/18**

<https://www.houstonpublicmedia.org/articles/news/2018/01/26/264230/company-tasked-with-superfund-cleanup-quietly-supported-groups-opposing-the-epas-plan/>

A few months ago, the Environmental Protection Agency finalized a plan to clean up a contaminated Houston-area Superfund site. The companies footing the \$115 million bill have opposed the plan, and it’s now come to light that one of them also quietly helped local citizen groups organize against it. The details of that relationship are still murky.

#### **11 — FIVE MONTHS AFTER HARVEY, PORT ARANSAS IS STILL REBUILDING, BUT WITH AN EYE TOWARD TOURISTS, 1/29/18**

<http://www.texasstandard.org/stories/categories/energy-environment/>

Monday marks five months since Hurricane Harvey hit Port Aransas, and while there’s been real progress on the cleanup, the island town still has a ways to go. Just a few days after the storm, home inspector James Pate was optimistic about his hometown’s future.

#### **12 — LSU unveils massive Mississippi River model expected to be major tool in coastal restoration projects, Advocate, 1/29/18**

[http://www.theadvocate.com/baton\\_rouge/news/environment/article\\_6fb92efa-053c-11e8-b8e1-7739a27fed2d.html](http://www.theadvocate.com/baton_rouge/news/environment/article_6fb92efa-053c-11e8-b8e1-7739a27fed2d.html)

From their second-story vantage point, the governor and a fleet of scientists, politicians and philanthropists peered down at a basketball court-sized model of southeast Louisiana. In the top left corner is Donaldsonville, with the Mississippi River winding past the groves of diversion canals to the Bird's Foot Delta on the opposite corner, the real-life equivalent to 178 miles on the river, said LSU president F. King Alexander.

#### **13 — Solar industry in Arkansas weighs tariff’s effects, Ark. Democrat, 1/29/18**

<http://www.arkansasonline.com/news/2018/jan/30/solar-industry-arkansas-weighs-tariffs-effects/>

A new tariff on imported solar products is expected to raise the price of solar projects in the United States and potentially curb demand, but shouldn't prevent solar power from continuing its fast-paced growth, solar officials in Arkansas said last week. President Donald Trump's administration early last week instituted an import tariff of up to 30 percent on solar power equipment that is manufactured abroad. The tariff will decline over time and last only four years.

**14 — Solar industry in Arkansas weighs tariff's effects, Arkansas Democrat-Gazette, 1/28/18**

<http://www.arkansasonline.com/news/2018/jan/29/solar-industry-in-state-weighs-tariffs/?f=latest>

A new tariff on imported solar products is expected to raise the price of solar projects in the United States and potentially curb demand, but shouldn't prevent solar power from continuing its fast-paced growth, solar officials in Arkansas said last week

**To:** Gray, David[gray.david@epa.gov]  
**Cc:** Kelly, Albert[kelly.albert@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Tue 2/20/2018 1:22:48 PM  
**Subject:** RE: Wilcox site in Bristow, Okla.

Thanks .. looping kell as I believe he has some knowledge of this site .. thanks ng

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

**Ex. 6 - Personal Privacy** **(mobile)**

**From:** Gray, David  
**Sent:** Tuesday, February 20, 2018 8:21 AM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Subject:** Fwd: Wilcox site in Bristow, Okla.

We are working on answers.

Sent from my iPhone

Begin forwarded message:

**From:** Mike Soraghan <**Ex. 6 - Personal Privacy**>  
**Date:** February 20, 2018 at 7:17:18 AM CST  
**To:** "David Gray (gray.david@epa.gov)" <gray.david@epa.gov>, Jennah Durant  
<Durant.Jennah@epamail.epa.gov>  
**Subject:** Wilcox site in Bristow, Okla.

Jennah, David,

Hi. Mike Soraghan here at E&E News. I'm finishing a story that involves the Wilcox Oil

refinery Superfund site in Bristow, Okla., and I had some questions. Would it be possible to talk to the point person for the sites there? I'm trying to finish my reporting this week and these are some of the questions I'm trying to get answers to.

What is the current status the Wilcox site?

I understand EPA folks have been talking with stakeholders about eventual uses for the Wilcox site. Is EPA recommending that the site be capped rather than having the waste removed?

The site has been on the agency's radar since at least 1994. Does EPA do anything that would alert purchasers or residents to the risks of living on the site before a cleanup is completed?

I would expect to have some questions in the future on Tar Creek, but I'm further behind on that story.

Thank you,

Mike Soraghan

E&E News reporter

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy (office and mobile)

Ex. 6 - Personal Privacy

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**To:** FULLCIRCLE@LISTS.NAU.EDU[FULLCIRCLE@LISTS.NAU.EDU]  
**From:** Super-list for distributing postings to TLR and TSFWG sub-lists  
**Sent:** Fri 9/15/2017 8:13:45 PM  
**Subject:** ITEP's Full Circle: September/October 2017



**FULL CIRCLE**

Waste Management & Tribal Response

*Newsletter for Tribes*

**Institute for Tribal Environmental Professionals**



**NORTHERN ARIZONA  
UNIVERSITY**

*Tribal Solid Waste Education and Assistance Program  
Tribal Waste and Response Assistance Program*

*September/October 2017 Vol.9, Issue 5*

## **Welcome to Full Circle Newsletter**

### **■ Thank You to All Who Attended the 2017 TLEF**

The 2017 Tribal Lands and Environment Forum has come and gone, and we want to thank all of you who attended this year's forum. We had a great turnout – especially from Tribes across the country – who were able to take advantage of 15 trainings, five field trips, two plenaries, the Multi Media Meetup, and 49 breakout sessions featuring 79 different presentations.

A big thank you to the nearly 100 people who shared their knowledge and passion as presenters at this year's TLEF. You really are the reason this event is such a success and we appreciate your dedication and willingness to share. And a special thank you to all the attendees from Oklahoma Tribes, especially those who put on such wonderful field trips and special presentations during our plenaries. This year attendees had the chance to tour the Natives Raising Natives Euchee Butterfly Farm, several Tribally-run recycling programs, the Tar Creek Superfund site, and multiple sustainability projects run by the Muscogee (Creek) Nation. We were honored to have speakers from the Cherokee Nation, the Osage Nation Color Guard, and a wonderful keynote presentation by representatives from Muscogee (Creek) Nation during our opening plenary, and then a fascinating (and inspiring) presentation about the Iowa Nation's Grey Snow Eagle House raptor rehabilitation program during the closing plenary. (And a special thanks to Woody the Bald Eagle, for stopping by!)

You can access presentations, and a list of attendees, by visiting our website at: [http://www7.nau.edu/itep/main/Conferences/confr\\_tlef](http://www7.nau.edu/itep/main/Conferences/confr_tlef). We hope to see you all August 13-16, 2018 in Spokane, Washington.

### **Meet Our Staff:**

**Todd Barnell, Program  
Manager, TSWEAP and  
TWRAP**  
[Todd.Barnell@nau.edu](mailto:Todd.Barnell@nau.edu)

**Julie Jurkowski, Program  
Coordinator Sr, TSWEAP and  
TWRAP**  
[Julie.Jurkowski@nau.edu](mailto:Julie.Jurkowski@nau.edu)

**John Mead, Program  
Coordinator Sr, TWRAP**  
[John.Mead@nau.edu](mailto:John.Mead@nau.edu)

**Jennifer Williams, Program  
Coordinator Sr, TWRAP**  
[Jennifer.Williams@nau.edu](mailto:Jennifer.Williams@nau.edu)

■ **Full Circle Network**  
Did someone forward this newsletter to you? Send an email to Todd Barnell to subscribe or unsubscribe to the newsletter. Archived issues can be found at:

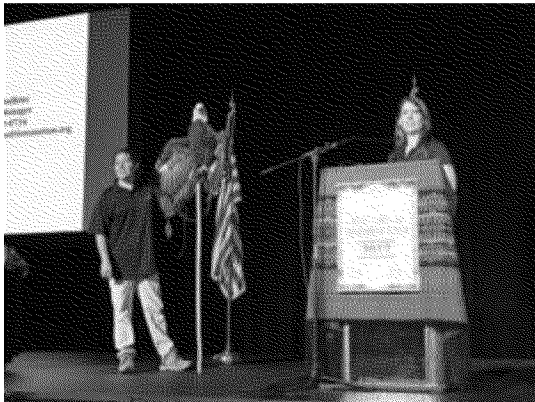




TLEF attendees tour the Tar Creek Superfund site with staff from the Quapaw Tribe



Cynthia Naha, Environmental Specialist for the Santo Domingo Tribe and TWRAP Steering Committee member, talks with attendees at the Multi Media Meetup



Woody, the Bald Eagle, and the wonderful team at the Grey Snow Eagle House



## ☼ Welcome to Our Newest TWRAP Steering Committee Member

Mark Junker, Tribal Response Coordinator for the Sac and Fox Nation of Missouri, has recently been selected to serve on the TWRAP Steering Committee. Current members of the TWRAP SC who were successful in their applications for another term are Arvind Patel (Pueblo of Acoma), Virginia LeClere (Prairie Band Potawatomi Nation), Katie Kruse (Keweenaw Bay Indian Community), and Rob Roy (la Jolla Band of Luiseno Indians). They all will work with Victoria Flowers (Oneida Nation), Cynthia Naha (Santo Domingo Tribe), Rebecca Stevens (Coeur d'Alene Tribe), John Wheaton (Nez Perce Tribe), and Ann Wyatt (Klawock Village). So congratulations to all the successful applicants, and thank you to everyone who applied, as well as the volunteers who composed the selection team.

The TWRAP SC has been quite busy lately, even though they were no doubt hoping for a bit of a break after the TLEF. They, along with many other highly engaged Tribal Partnership Groups, have been working with the National Tribal Caucus, providing their professional insights to discussions about priorities at the USEPA during these times of change. All of us at ITEP thank them for their incredible work, above and beyond their daily responsibilities, ensuring tribal priorities in the areas of solid waste, brownfields, Superfund, UST, and emergency response are heard and respected.

## ☼ ITEP Celebrates 25 Years

On Monday, September 11, 2017, all of ITEP's staff came together for our annual retreat, and to also celebrate our 25<sup>th</sup> Anniversary. It was an inspiring and wonderful opportunity for all of us to set aside our day-to-day work and concerns, and spend some great time together.

In the evening, we hosted a special event attended by approximately 500 guests from across the country. We had a wonderful lineup of speakers, who spoke about ITEP's history, the work, and the historical leaders of ITEP. The speakers included Ann Marie Chischilly, ITEP's Executive Director; Dr. Rita Cheng, Northern Arizona University's (NAU) President; Dr. Chad Hamill, NAU Vice President for Native American Initiatives; William Auberle, a Co-Founder of ITEP and ITEP Board Member; Steve Page, Director of the Office of Air Quality Planning and Standards at USEPA; Richard Jeanne, our founder Virgil Masayesva's brother-in-law; and Chelsa Seciwa, the daughter of our former Executive Director, Cal Seciwa. The memories, stories, and perspectives shared were extremely inspiring to us all, and a call to action for all people engaged in defending Mother Earth and ensuring a healthy environment for strong, self-sustaining tribal communities.



Our Keynote Speaker is a great friend of ITEP and an inspiring warrior to us all – Winona LaDuke. Needless to say her words, and the example she set for us all, left us all ready to continue our fight. (To learn more about Winona LaDuke and her amazing team please visit <http://www.honorearth.org/>.)

We want to thank everyone who traveled to Flagstaff to help us celebrate. And for those unable to be here in person, know you were there in our hearts! We look forward to another 25 years working side by side with you all.



### ■ Onsite Mentoring Opportunities for Tribal Solid Waste and Superfund Professionals

**We are happy to announce that we have been awarded additional funding to allow us to continue offering onsite mentoring opportunities for tribal professionals. Keep your eye on your inbox as the next quarter's application will be sent out during the first week of October.**

**For the past several years we have been making these opportunities available to tribal staff working in solid waste. Individuals interested in being matched with a mentor submit an application to ITEP, and if they are accepted the ITEP we research the best mentor to assist them with their specific challenges and needs. An introductory call is arranged, and if the mentor and the applicant agree it is a good match then a site visit is arranged. The mentor may visit the applicant's tribe to see their operations in action, or the applicant may visit the mentor's tribe. Either way, ITEP reimburses all travel expenses.**

**These opportunities have become extremely popular, as well as highly effective. And it is very gratifying to hear from so many mentors that they also found themselves learning a great deal by taking part.**

We are now offering these onsite mentor matches to tribal professionals also working in Superfund and related fields. If you have any questions about these projects please contact Todd at [todd.barnell@nau.edu](mailto:todd.barnell@nau.edu) or Julie at [julie.jurkowski@nau.edu](mailto:julie.jurkowski@nau.edu).

## National Association of Remedial Project Managers Training Program

The 25<sup>th</sup> NARPM Training Program is planned for **December 4 through 8, 2017** in Denver, Colorado. The NARPM Training Program provides an excellent opportunity for Superfund Remedial Project Managers and those who work with them, such as States, Tribal Project Managers and Federal partners, to network, obtain training and discuss issues of regional and national concern. Over 45 individual training courses are offered concurrently in one week and fall within the following training categories: project management; community engagement and environmental justice; cleanup optimization; investigation, design, remediation and post-construction; and technology and contaminant-specific topics.

There are no registration or conference fees associated with the NARPM Training Program.

Information on registration and course will be available soon! Please contact Leslie Leahy at [leahy.leslie@epa.gov](mailto:leahy.leslie@epa.gov) for more information.

## 2017 National Brownfields Training Conference

The 2017 National Brownfields Training Conference will occur in Pittsburgh, Pennsylvania, **December 5 - 7, 2017**. Please join your colleagues for the premier brownfields and land revitalization event. Attendees will enjoy opportunities to participate in training events, observe success stories first hand during mobile workshops, listen to experts regarding best practices for meeting brownfields challenges, and network with thousands of other stakeholders. Brownfield 2017 Online Registration and Housing is Now Open!

Visit the official Brownfields Conference Website for registration and additional information at [www.brownfields2017.org](http://www.brownfields2017.org).



**Find Us On Facebook!**

 [www.facebook.com/ITEPnau](https://www.facebook.com/ITEPnau)

### **Learn more...**

#### **Tribal Waste and Response Assistance Program (TWRAP)**

**TWRAP is a program focused on assisting tribes with all waste management, brownfields, USTs, contaminated sites, and response programs. This program is funded by the USEPA's Office of Land and Emergency Management.**

**■ Tribal Solid Waste Education and Assistance Program (TSWEAP)**

**TSWEAP's focus is providing training and assistance to tribes working on solid and hazardous waste management and diversion. This program is funded by the USDA, IHS, and USEPA.**

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To unsubscribe from the FULLCIRCLE list, click the following link:  
<http://lists.nau.edu/cgi-bin/wa?SUBED1=FULLCIRCLE&A=1>

**To:** Kelly, Albert[kelly.albert@epa.gov]  
**From:** John Berrey  
**Sent:** Thur 3/15/2018 12:51:56 AM  
**Subject:** Re: FW: call

Let's talk tomorrow, we had a great day today.

On Wed, Mar 14, 2018 at 7:38 PM Kelly, Albert <kelly.albert@epa.gov> wrote:

Hello Chairman Berry. When you have a convenient time, I would like to ask for a phone conversation to discuss Tar Creek

Albert Kelly

Senior Advisor to the Administrator

1200 Pennsylvania Avenue, NW

Washington, DC 20460

Ex. 6 - Personal Privacy

--

John L Berrey  
Chairman  
Quapaw Tribe BC, DDA

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**Cc:** Gray, David[gray.david@epa.gov]  
**From:** Kelly, Albert  
**Sent:** Wed 2/21/2018 4:58:26 AM  
**Subject:** Re: Wilcox site in Bristow, Okla.

## Ex. 5 - Deliberative Process

Sent from my iPhone

On Feb 20, 2018, at 7:22 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Thanks .. looping kell as I believe he has some knowledge of this site .. thanks ng

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

**Ex. 6 - Personal Privacy** (mobile)

**From:** Gray, David  
**Sent:** Tuesday, February 20, 2018 8:21 AM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Subject:** Fwd: Wilcox site in Bristow, Okla.

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Sent from my iPhone

Begin forwarded message:

**From:** Mike Soraghan <Ex. 6 - Personal Privacy>  
**Date:** February 20, 2018 at 7:17:18 AM CST  
**To:** "David Gray (gray.david@epa.gov)" <gray.david@epa.gov>, Jennah Durant

<Durant.Jennah@epamail.epa.gov>

**Subject: Wilcox site in Bristow, Okla.**

Jennah, David,

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I would expect to have some questions in the future on Tar Creek, but I'm further behind on that story.

Thank you,

Mike Soraghan

E&E News reporter

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Ex. 6 - Personal Privacy (office and mobile)

Ex. 6 - Personal Privacy

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM



**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Mike Soraghan  
**Sent:** Mon 2/12/2018 10:16:18 PM  
**Subject:** RE: statement/press release

I asked OIG for a copy today. They told me to FOIA for it.

Mike Soraghan

E&E News reporter

**Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy** office and mobile)

**Ex. 6 - Personal Privacy**

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**From:** Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]  
**Sent:** Monday, February 12, 2018 5:11 PM  
**To:** Mike Soraghan <**Ex. 6 - Personal Privacy**>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Press <Press@epa.gov>  
**Subject:** RE: statement/press release

Want to flag this story from the Tulsa World for you.

**2013 EPA investigation found no wrong-doing by Tar Creek trust**  
The Tulsa World



February 12, 2018

[http://www.tulsaworld.com/homepagelatest/epa-investigation-found-no-wrong-doing-by-tar-creek-trust/article\\_ae02def8-ffc0-558e-9d93-c427d2fc0c31.html](http://www.tulsaworld.com/homepagelatest/epa-investigation-found-no-wrong-doing-by-tar-creek-trust/article_ae02def8-ffc0-558e-9d93-c427d2fc0c31.html)

A federal investigator found no irregularities or law violations related to the handling of a contract to dismantle and remove buildings in the Tar Creek Superfund site in far northeastern Oklahoma, according to a little-seen 2013 report by the Environmental Protection Agency's Office of Inspector General.

"Extensive record reviews and interviews were conducted and did not disclose evidence to support the allegations," Special Agent Susan Chandler wrote in the OIG report, which has not been generally available to the public, although a redacted copy was obtained by a trust member in 2014 through a Freedom of Information Act request.

Separately, the Tulsa World obtained a copy through a third party. OIG officials confirmed its authenticity.

Chandler's conclusions were at odds with those apparently reached by the state auditor and inspector's office, which conducted an investigative audit of the Lead-Impacted Communities Relocation Assistance Trust, or LICRAT, over several years beginning in 2011.

The A&I audit has never been released, but public and private statements of those familiar with the document indicate it suggests mismanagement and possible criminal conduct related to the Tar Creek contract.

Scott Pruitt, then Oklahoma's attorney general, ordered the audit sealed in 2015 after giving a portion of it to LICRAT's attorney, Andy Lester.

At the time, Pruitt said the audit unfairly made "unsubstantiated criminal allegations against private citizens."

This deepened a feud between Pruitt and Auditor and Inspector Gary Jones, who still insists the audit should be released to the public, and bristles at the suggestion it may have been poorly done.

“If the attorney general thinks the auditor and inspector’s office did shoddy work, I’d think he’d want the public to see it,” Jones said last week.

The audit and the Tar Creek project again became an issue last year when Pruitt, a sworn enemy of the EPA and ally of some of the nation’s largest polluters during his years as Oklahoma’s attorney general, was nominated to and subsequently became EPA administrator.

He is also a protege of, and possible successor to, U.S. Sen. Jim Inhofe, who was instrumental in setting up LICRAT and a foe of environmentalists.

Pruitt has thus become the subject of numerous investigations by journalists and environmental groups, with the emotionally charged and politically fraught Tar Creek saga a particularly appealing rock to look under. In November, Washington-based Campaign for Accountability sued to force the state audit’s release.

The OIG report lists 15 allegations against LICRAT and project engineer Jack Dalrymple. Most deal with claims that Dalrymple and perhaps trust members conspired to rig the bidding process on a \$3 million contract to remove and dispose of abandoned buildings and otherwise rehabilitate the Tar Creek site.

Contacted Friday, Dalrymple said he, too, wants the A&I report released.

“I’m not afraid of that being released because the trust was just hard-working people who did the right thing,” he said. “I can tell you every single person on that trust was honest and true.”

The allegations, made in a 2012 qui tam lawsuit by Billy Freeman Jr. and Joe Crawford of

Ottawa County, also included claims that the work was not done properly.

Chandler, in her report, found each claim without merit. She says the work was done satisfactorily, and notes the contract was for a lump sum, which made questions about how components of the contract were carried out irrelevant.

The suit was dismissed in October 2013, in large part on the basis of the OIG investigation.

Chandler's report, which is marked "restricted" and "for official use only," was apparently intended for internal use only. Its primary purpose was to determine whether the federal government should join in the qui tam lawsuit.

A qui tam suit is one brought by private citizens alleging fraud against the federal government under the False Claims Act. This particular suit was one of several actions taken by area residents upset with the handling of the Tar Creek operation.

Most complaints dealt with the buyout — offers too high or too low — but the state and federal investigations in question dealt solely with the removal and rehabilitation contract.

The OIG report says LICRAT made several missteps early in the process, and eventually turned the bidding over to what was then the state's Office of Central Services.

The portion of the A&I audit given Lester dealt with that stage of the investigation, but people familiar with the entire document, who agreed to speak only on background, say it outlines irregularities before and after Central Services took over.

Lester says those allegations are baseless.

The politics of the Tar Creek cleanup have always been complex. Besides the Pruitt angle, they involve the rivalry between Inhofe and his former colleague, Tom Coburn, whose staff indirectly

initiated the state audit by bringing documents to Jones' office in 2011.

Jones sent the material to Pruitt, who returned it with a letter ordering an investigation.

"This is all because of politics," said Dalrymple, who for decades has been embroiled in lawsuits against the state and federal government over flooding in Ottawa County. "Nobody really cares about our little area. ... I guarantee you (the state is) not trying to protect me."

**From:** Mike Soraghan [mailto:[Ex. 6 - Personal Privacy](#)]  
**Sent:** Monday, February 12, 2018 2:11 PM  
**To:** Jahan wilcox (jahan@epa.gov) <jahan@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Press <Press@epa.gov>  
**Subject:** FW: statement/press release

So. In this news release from the office of the Oklahoma State Auditor and Inspector, the elected auditor is making an accusation that the current EPA Administrator and former Oklahoma Attorney General "acted improperly" in a Superfund inquiry. Does Mr. Pruitt have a response? I'm writing this for our PM edition. If a response comes in later we'll do a separate, follow-up story.

"former attorney general acted improperly when he shared the contents"

Mike Soraghan

E&E News reporter

[Ex. 6 - Personal Privacy](#)

[Ex. 6 - Personal Privacy](#) (office and mobile)

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**From:** Trey Davis [<mailto:tdavis@sai.ok.gov>]

**Sent:** Monday, February 12, 2018 11:58 AM

**To:** Mike Soraghan <Ex. 6 - Personal Privacy>

**Subject:** RE: statement/press release

## AUDITOR: Let the Audit Speak for Itself

At the State Auditor's Office, we focus on two primary matters – accountability and transparency. To achieve these two objectives, our work must be beyond reproach and the entanglement of politics.

Ours is a constitutionally-created, independent office with the principal purpose to examine and inspect whether public officials properly expended public funds.

The constitution names the State Auditor before the Attorney General. We are not agents of the Attorney General and we do not work for the Attorney General.

Our audits examine public records. We look at how public funds are spent. A finding of probable fraud, waste, or abuse is only stated when fully supported by financial records

and other evidence.

The Special Investigative Audit of the Lead Impacted Communities Relocation Assistance Trust (LICRAT) was a review of public documents to determine if the LICRAT Board complied with state law in the expenditure of public funds. Special Audits differ from other types of audits because we are not required to conduct these audits in accordance with government auditing standards.

A Special Audit must be requested and conducted when financial mismanagement is believed to have occurred. The LICRAT Special Audit was initially sought by U.S. Senator Tom Coburn. The only reason to involve the AG was because his office is one of five statutorily permitted ways to request a Special Audit. The audit was conducted on behalf of Oklahoma taxpayers.

The former attorney general acted improperly when he shared the contents of the audit report with the subject of the audit. The impropriety was further compounded when he refused to share the audit with the people who paid for it – the taxpayers of Oklahoma.

The LICRAT audit wasn't about Scott Pruitt, left-wing environmentalists, Andy Lester, or politics. As the State Auditor, I have taken the position that the people of our state deserve to know why the LICRAT Board spent over \$3.6 million on a project when the cost could have been less than \$600,000.

If, as Mr. Pruitt's spokesman stated, the audit was "shoddy," then release it so the public can make that determination. If, as Mr. Lester stated, the audit report determined "no direct evidence of a conspiracy against the state," then release the audit so the public can make that determination.

The State Auditor is the fact finder, not the prosecutor. The sole discretion to prosecute is always retained by the prosecutor.

The only issue here is when the prosecutor determines not to proceed – don't cover up the issue by withholding a public document, paid for with public funds, and conducted

on behalf of the public.

Audits are complicated. Many times, fraud and embezzlement are complicated. Often audits are confusing to prosecutors who aren't confident they can sufficiently explain it to a jury in order to obtain a guilty verdict. As such, much white-collar crime goes unprosecuted.

I have confidence in the work product of our office, its people, and their professionalism. We stand by the courage of our convictions while others cast aspersions on the reputation and integrity of those who favor accountability and transparency.

Let the Audit Speak for itself.

NOTE: Oklahoma State Auditor Gary Jones doesn't issue many news releases. As auditor, he has consistently taken the position that an audit should speak for itself. Since taking office in 2011, Gary has issued 15 news releases, of which, four were about a specific audit.

**From:** Mike Soraghan [<mailto:> Ex. 6 - Personal Privacy]  
**Sent:** Monday, February 12, 2018 10:25 AM  
**To:** Trey Davis <[tdavis@sai.ok.gov](mailto:tdavis@sai.ok.gov)>  
**Subject:** statement/press release

Trey,

I'm reading that the Auditor has issued a statement or press release. Could I get a copy?

Thanks,

Mike Soraghan

E&E News reporter

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy (office and mobile)

Ex. 6 - Personal Privacy

## **E&E NEWS**

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM



**To:** Bowman, Liz[Bowman.Liz@epa.gov]; Block, Molly[block.molly@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Beach, Christopher[beach.christopher@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Konkus, John[konkus.john@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Fri 3/23/2018 2:37:37 PM  
**Subject:** RE: FOR REVIEW: EPA's Weekly Report for 3/23/18 - Preview

This is awesome.

**From:** Bowman, Liz  
**Sent:** Friday, March 23, 2018 10:34 AM  
**To:** Block, Molly <block.molly@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Konkus, John <konkus.john@epa.gov>  
**Subject:** Re: FOR REVIEW: EPA's Weekly Report for 3/23/18 - Preview

This looks great? Just change “convene” to past tense in the intro

On Mar 23, 2018, at 10:31 AM, Block, Molly <[block.molly@epa.gov](mailto:block.molly@epa.gov)> wrote:

No Images? [Click here](#)

## EPA'S WEEKLY REPORT

This week Environmental Protection Agency (EPA) Administrator Scott Pruitt sat down with more than a dozen reporters across all mediums to discuss the important work the Agency is doing to ensure regulatory certainty for America's farmers, ranchers, and businesses during National Agriculture Week. Pruitt also advanced the Trump Administration's infrastructure agenda with a push to eradicate lead from drinking water and convene a [national leadership summit](#) on PFAS to update America's crumbling water infrastructure.

### NATIONAL NEWS ...

In an exclusive interview with the [Daily Caller](#), EPA Administrator Scott Pruitt laid out his plans to end the use of "secret science" to craft Agency regulations. "Pruitt will reverse long-standing EPA policy allowing regulators to rely on non-public scientific data in crafting rules. Such studies have been used to justify tens of billions of dollars worth of regulations. EPA regulators

would only be allowed to consider scientific studies that make their data available for public scrutiny under Pruitt's new policy. Also, EPA-funded studies would need to make all their data public."

**EPA Administrator Pruitt sat down with [AgDay](#) to talk about issues impacting farmers and ranchers including EPA's efforts to provide certainty by redefining "Waters of the U.S."** According to Pruitt, a substitute or replacement definition will be issued sometime this year, a definition that will recognize private property ownership and the roles of states, and will answer the question of what exactly is a water of the United States. 'We're going to get that right going forward, and the definition is going to provide clarity, objective measurements by which we know where federal jurisdiction begins and ends,' he said."

#### OP-ED ...

**In the [Washington Times](#), EPA Administrator Pruitt outline the Agency's efforts to overhaul the permitting process to "rebuild and revitalize our nation's crumbling infrastructure."** The president's ambitious proposal calls for the U.S. Environmental Protection Agency to play a leading role in the administration's efforts ... America's infrastructure was once the envy of the world. The president's proposal will restore our roads, bridges and waterways to greatness and create a safer, stronger America. Through regulatory reforms and targeted investments, EPA will spearhead the much-needed repairs to infrastructure in a way that provides tangible environmental benefits to all Americans."

#### REGIONAL NEWS ...

**The [Detroit News](#) reported that eradicating lead from drinking water is one of EPA Administrator Pruitt's top priorities.** "'I do think that what happened in Flint is something that could happen elsewhere. We just simply need to take steps to do all that we can to address it prospectively and proactively,' Pruitt said. Pruitt said President Donald Trump's \$1.5 trillion plan to bolster the nation's infrastructure over the next decade would include investments in aging water infrastructure."

**While speaking with the [New York Post](#), Pruitt called for a local, state, and federal response to the lead crisis in New York City and across the country.** "EPA Administrator Scott Pruitt called for a 'coordinated' response between New York State and City officials to address the ongoing lead crisis."

**In an interview with [New Jersey Advance Media](#), Pruitt discussed efforts to make cleaning up Superfund sites a priority to advance the Agency's core mission.** "The Environmental Protection Agency plans to step up efforts to get companies who dumped toxic waste at New Jersey's Superfund sites to pay to clean them up, Administrator Scott Pruitt said. Pruitt on Monday blamed a lack of urgency... New Jersey has 114 designated Superfund sites, the most in the nation, included three of Pruitt's 21 highest-priority locations."

**Pruitt reiterated his commitment to prioritizing the Superfund program to clean up America's most contaminated sites, including Tar Creek, in an interview with the [Tulsa World](#).** "Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to the Tar Creek area, for decades one of the oldest, largest and most complex toxic sites in the nation. 'It is really unacceptable,' Pruitt said as he recalled the history of the Tar Creek area in far northeastern Oklahoma, whose Superfund legacy dates back to 1983, as well as the amount of money and time deployed there."

**At his week's regional roundtable, the [Albuquerque Journal](#) reported on progress the Trump Administration is making on claim stemming from the 2015 Gold King Mine spill.**

"Environmental Protection Agency Administrator Scott Pruitt said Monday that the federal government is close to finishing its assessment of roughly 400 claims for financial damages stemming from the 2015 Gold King Mine spill, which dumped toxic chemicals into waters in New Mexico, Colorado and Utah, and final recommendations could be ready by the end of the month.

#### RADIO ...

**This week, Administrator Pruitt joined [WZFG 1100 AM The Flag – North Dakota](#) to talk about his first year accomplishments, including repeal and replacement of both “Waters of the U.S.” rule and Clean Power Plan.**

**Administrator Pruitt also joined the [Lars Larson Show](#), based in Portland, Ore., and discussed how he’s working to get the EPA back to basics and provide regulatory certainty for all Americans.**

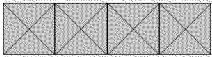
**On the St. Louis, Missouri’s own [Mark Reardon Show](#), Administrator Pruitt talked a little about baseball and a lot about the good work the Agency is doing to improve environmental outcomes across the country.**

**Scott Voorhees on [1110 KFAF–Omaha](#) had Administrator Pruitt on his show Wednesday to talk about what’s to come at the EPA this year, including a continued focused on Superfund clean-up and regulatory transparency.**

#### TWEETS ...

FRONT PAGES ...

<image001.png>



U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue Northwest  
Washington, D.C. 20004

[Unsubscribe](#)

**From:** Ford, Hayley  
**Location:** Administrator's Office  
**Importance:** Normal  
**Subject:** Meeting  
**Start Date/Time:** Wed 3/14/2018 1:30:00 PM  
**End Date/Time:** Wed 3/14/2018 2:00:00 PM  
EPA Administrator Pruitt External Meeting Request Form 3.5.18.docx



## ***Meeting Request Form for Administrator Scott Pruitt***

**Today's Date:** 3/5/18

**Meeting Date:** 3/14/18

**Meeting Time:** any

**Requested Location (if offsite, please list address, parking instructions, etc.):** Secretary Pruitt's office

**Requestor:** John Berrey

**Purpose of the Meeting:** To discuss tar creek and WIFIA and infrastructure at the site for the future

**Background on the Meeting:**

**Role of the Administrator:**

**Attendees:** John Berrey, Barry Switzer

**Point of Contact:** John Berrey, Ex. 6 - Personal Privacy, Ex. 6 - Personal Privacy

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**Location:** Administrator's Office  
**Importance:** Normal  
**Subject:** Meeting  
**Start Date/Time:** Wed 3/14/2018 1:30:00 PM  
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**Requestor:** John Berrey

**Purpose of the Meeting:** To discuss tar creek and WIFIA and infrastructure at the site for the future

**Background on the Meeting:**

**Role of the Administrator:**

**Attendees:** John Berrey, Alan Mauk, Barry Switzer

**Point of Contact:** John Berrey, Ex. 6 - Personal Privacy Ex. 6 - Personal Privacy



**To:** Block, Molly[block.molly@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Konkus, John[konkus.john@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Idsal, Anne[idsal.anne@epa.gov]; Beach, Christopher[beach.christopher@epa.gov]  
**From:** Gray, David  
**Sent:** Fri 4/6/2018 9:28:47 PM  
**Subject:** RE: SJWP Latest Information  
[San Jacinto Comms Plan April 2018 edit.docx](#)

Here you go

**From:** Block, Molly  
**Sent:** Friday, April 06, 2018 1:36 PM  
**To:** Gray, David <gray.david@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>  
**Subject:** RE: SJWP Latest Information

Thanks David! Adding Chris Beach to take a look at the Administrator's quote. Can you send over the comms strategy again? It looks like the press release was attached twice to the original email. Thanks!

Molly

**From:** Gray, David  
**Sent:** Friday, April 6, 2018 2:30 PM

**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>  
**Subject:** SJWP Latest Information

All – Here is a copy of the draft press release and communication strategy. We are continuing to refine these materials with OPA.

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

David

David Gray

Deputy Regional Administrator (acting)

EPA Region 6 – Dallas

(214) 665-2100 office

**Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy**

[gray.david@epa.gov](mailto:gray.david@epa.gov)

**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Fri 7/7/2017 12:50:20 PM  
**Subject:** RE: WOTUS letter from Cmsr Pigott (IN)  
WOTUSFedCommentsByState.docx

Hey –

The attached is current....most of what is trickling in at this point has already been received/logged by the portal/docket. OWOW is currently developing its substantive review/overview.

**From:** Bennett, Tate  
**Sent:** Thursday, July 06, 2017 8:59 PM  
**To:** Hanson, Andrew <Hanson.Andrew@epa.gov>  
**Subject:** Fwd: WOTUS letter from Cmsr Pigott (IN)

Need to catch up with you on these! Sorry I missed you today! :(

Begin forwarded message:

**From:** "Barbery, Andrea" <Barbery.Andrea@epa.gov>  
**To:** "Bennett, Tate" <Bennett.Tate@epa.gov>  
**Cc:** "Bowles, Jack" <Bowles.Jack@epa.gov>, "Osinski, Michael" <Osinski.Michael@epa.gov>, "Borum, Denis" <Borum.Denis@epa.gov>, "Hanson, Andrew" <Hanson.Andrew@epa.gov>, "Beckmann, Ronna Erin" <beckmann.ronna@epa.gov>, "Fortin, Denise" <Fortin.Denise@epa.gov>, "Deamer, Eileen" <deamer.eileen@epa.gov>  
**Subject:** WOTUS letter from Cmsr Pigott (IN)

Hi Tate,

Attached and in your inbox is a June 19, 2017 letter from Indiana DEM Commissioner Pigott on WOTUS (AX-17-001-0549).

Thanks,  
Andrea

Ex. 6 - Personal Privacy

-----Original Message-----

**From:** [cmsadmin@epa.gov](mailto:cmsadmin@epa.gov) [mailto:[cmsadmin@epa.gov](mailto:cmsadmin@epa.gov)]  
**Sent:** Tuesday, June 27, 2017 4:33 PM

To: Eades, Cassaundra <[Eades.Cassaundra@epa.gov](mailto:Eades.Cassaundra@epa.gov)>; Scott, Sonya <[scott.sonya@epa.gov](mailto:scott.sonya@epa.gov)>; Labbe, Ken <[Labbe.Ken@epa.gov](mailto:Labbe.Ken@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>; Wilkes, Quianna <[Wilkes.Quianna@epa.gov](mailto:Wilkes.Quianna@epa.gov)>; Mims, Kathy <[Mims.Kathy@epa.gov](mailto:Mims.Kathy@epa.gov)>; Scales, Wuanisha <[Scales.Wuanisha@epa.gov](mailto:Scales.Wuanisha@epa.gov)>; Tillery, Loreto <[Tillery.Loreto@epa.gov](mailto:Tillery.Loreto@epa.gov)>; Banks, Portia <[Banks.Portia@epa.gov](mailto:Banks.Portia@epa.gov)>; Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>; Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>; Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)>; Cook-Shyovitz, Becky <[Cook-Shyovitz.Becky@epa.gov](mailto:Cook-Shyovitz.Becky@epa.gov)>; Cheatham-Strickland, Latonia <[Cheatham-Strickland.Latonia@epa.gov](mailto:Cheatham-Strickland.Latonia@epa.gov)>; Nitsch, Chad <[Nitsch.Chad@epa.gov](mailto:Nitsch.Chad@epa.gov)>; Lyons, Troy <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>; Kuhn, Kevin <[Kuhn.Kevin@epa.gov](mailto:Kuhn.Kevin@epa.gov)>  
Subject: CMS New Assignment - Jacqueline Leavy - AX-17-001-0549

Control AX-17-001-0549 has been assigned to your office on 6/27/17 4:33 PM by Jacqueline Leavy. Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: AX-17-001-0549

Control Subject: Waters of the United States

From: Pigott, Bruno L.

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS [Information@epa.gov](mailto:Information@epa.gov).

**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Chancellor, Erin  
**Sent:** Tue 6/19/2018 3:58:33 PM  
**Subject:** Options  
Meeting Notes Oklahoma City Utilities 6.11.18.docx  
wilcox source control draft PPlan factsheet summary 6-14-18.docx

Options below. Calling R6 to discuss and will follow up with you, but in the meantime, I'd say

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

**Erin E. Chancellor**

Counsel to the Administrator

U.S. Environmental Protection Agency

**Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy**

chancellor.erin@epa.gov

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Crossland, Ronnie[Crossland.Ronnie@epa.gov]; Levine, Carolyn[Levine.Carolyn@epa.gov]  
**From:** Gray, David  
**Sent:** Tue 10/3/2017 7:44:07 PM  
**Subject:** RE: Call to discuss San Jacino ROD event on 10/13  
[San Jacinto Comms Plan DRAFT 10\\_3\\_2017.docx](#)

Here is a copy of a straw communication plan for the SJRWP announcement.

David

-----Original Appointment-----

**From:** Grantham, Nancy  
**Sent:** Tuesday, October 03, 2017 11:43 AM  
**To:** Grantham, Nancy; Kelly, Albert; Richardson, RobinH; Ferguson, Lincoln; Hupp, Millan; Bennett, Tate; Gray, David; Wagner, Kenneth; Crossland, Ronnie; Levine, Carolyn  
**Subject:** Call to discuss San Jacino ROD event on 10/13  
**When:** Tuesday, October 03, 2017 4:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** Kell's office .. or call: **Ex. 6 - Personal Privacy**



**San Jacinto River Waste Pits Superfund Site  
Communications Plan**

# **Ex. 5 - Deliberative Process**

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## Ex. 5 - Deliberative Process

**Q:** Does EPA have money set aside to start work without the PRPs?

**A:** EPA does not set aside cleanup money for Superfund sites. Funding is allocated on a yearly basis. This site is a priority site for EPA and funding would be requested. [Region 6's annual remedial action funding, other than Tar Creek, is about \$7,000,000.]

## Ex. 5 - Deliberative Process



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INCLUDE THE LATEST PUBLIC NOTICE BELOW

# Ex. 5 - Deliberative Process

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## **Ex. 5 - Deliberative Process**



**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**Cc:** Kundinger, Kelly[kundinger.kelly@epa.gov]  
**From:** Michelle Wynn  
**Sent:** Fri 6/22/2018 6:37:55 PM  
**Subject:** Re: Touching base regarding Monday

He would like that opportunity.  
Kelly is coming for a walk-thru this afternoon. We can touch base then.

Thank you.

Michelle Wynn  
DEQ - Legislative Liaison

On Jun 22, 2018, at 1:21 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Copying Kelly who will have those answers but perhaps Scott can ride in the Admin's car?

On Jun 22, 2018, at 12:39 PM, Michelle Wynn <Michelle.Wynn@deq.ok.gov> wrote:

Tate -  
Sorry to change direction on you, but I will be doing the coordination on our end now. Fenton was involved when we were going to tour the alternative site, so now it's just going thru extra steps. This way you and I can have direct contact and go from there.

The meeting at our office for 2 PM is all locked in. As for the windshield tour, are you all arranging that part? I know, our director, Scott Thompson would like to join you on that part if possible. We can do the rest according to availability of room, we can also provide vehicles as needed.

Looking forward to having administrative Pruitt visit with us here in Oklahoma. Please let me know what else I can do to be of help.

Michelle Wynn  
DEQ - Legislative Liaison

Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>  
**Date:** June 22, 2018 at 11:33:17 AM CDT  
**To:** Michelle Wynn <Michelle.Wynn@deq.ok.gov>  
**Subject:** Fwd: Touching base regarding Monday

Skylar McElhaney  
Department of Environmental Quality

Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Date:** June 22, 2018 at 11:32:12 AM CDT  
**To:** Fenton Rood <[Fenton.Rood@deq.ok.gov](mailto:Fenton.Rood@deq.ok.gov)>  
**Cc:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>, "Kundinger, Kelly" <[kundinger.kelly@epa.gov](mailto:kundinger.kelly@epa.gov)>, Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Subject:** RE: Touching base regarding Monday

This agenda is great. Let's lock it in for 2 PM. Also, I wanted to let you know the Admin will be doing a quick tour of Eagle Industries as well as a windshield tour of the following after our meeting. Let me know if you have any interest in participating in this part as well. No pressure either way.

#### Oklahoma City

- Eagle Industries – Just east of Oklahoma City
- Fourth Street Abandoned Refinery – east/central Oklahoma City
- Mosley Road Sanitary Landfill – NE Oklahoma City
- Tinker Air Force Base – SE Oklahoma City

**From:** Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]

**Sent:** Friday, June 22, 2018 11:22 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Subject:** RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director  
Kelly Dixon, Land Protection Division  
Lloyd Kirk, External Affairs  
Shellie Chard, Water Quality  
Michelle Wynn, Legislative Liaison  
Erin Hatfield, Public Information Officer  
Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems

in response to drought, shifting population, expanding water demanding industries

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
**Sent:** Thursday, June 21, 2018 4:13 PM  
**To:** Fenton Rood  
**Cc:** Jackson, Ryan; Kunding, Kelly  
**Subject:** Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

Bennett.Tate@epa.gov

**To:** OGD\_Grant\_Reports[OGD\_Grant\_Reports@epa.gov]  
**Cc:** Vizian, Donna[Vizian.Donna@epa.gov]; Showman, John[Showman.John@epa.gov]; Cooper, Marian[Cooper.Marian@epa.gov]; Bell, Matthew[Bell.Matthew@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Milazzo, Julie[Milazzo.Julie@epa.gov]; Etheredge, William[Etheredge.William@epa.gov]; Neal, Kerry[neal.kerry@epa.gov]; Polk, Denise[Polk.Denise@epa.gov]; Sylvester, Kenneth[Sylvester.Kenneth@epa.gov]; Durand, Jessica[Durand.Jessica@epa.gov]  
**From:** OGD\_Grant\_Reports  
**Sent:** Fri 8/25/2017 3:59:05 PM  
**Subject:** 8/25 Congressional Notification Report  
[Congressional Notification Daily Report 8-25-17.xlsx](#)

Good Afternoon,

All notifications from today's Congressional Notification Report have been cleared; however, any notification on this list that has been specifically placed on hold still remains on hold and should not move forward. Please be aware that the 8/21/17 Pending Award Report is still under review. We will notify you when the review is complete.

Thank you,

Laurice Jones

Director, National Policy Training and Compliance Division

Office of Grants and Debarment

US EPA

Ex. 6 - Personal Privacy



**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Thur 1/4/2018 1:04:37 AM  
**Subject:** Fwd: Request for Interview - Albert "Kell" Kelly

Liz - you had previously approved and then Kell was out - he can do this week - ok by you? Thx  
ng

Sent from my iPhone

Begin forwarded message:

**From:** "Lynn, Tricia" <lynn.tricia@epa.gov>  
**Date:** January 3, 2018 at 12:21:38 PM EST  
**To:** "Grantham, Nancy" <Grantham.Nancy@epa.gov>  
**Subject:** FW: Request for Interview - Albert "Kell" Kelly

FYI, one of the reporters (Mike Soraghan/E & E news) is pinging about the interview he requested with Kell Kelly. Anything I can share with him?

Thanks!

**From:** Mike Soraghan [mailto: ] **Ex. 6 - Personal Privacy**  
**Sent:** Wednesday, January 03, 2018 12:08 PM  
**To:** Jones, Enesta <Jones.Enesta@epa.gov>  
**Cc:** Lynn, Tricia <lynn.tricia@epa.gov>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Thanks.

Mike Soraghan

E&E News reporter

**Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy** (office and mobile)

[@MikeSoraghan](#)

## E&E NEWS

122 C Street NW 7th Floor Washington, DC 20001

[www.eenews.net](http://www.eenews.net) | [@EENewsUpdates](#)

Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**From:** Jones, Enesta [<mailto:Jones.Enesta@epa.gov>]  
**Sent:** Wednesday, January 03, 2018 12:07 PM  
**To:** Mike Soraghan <[msoraghan@eenews.net](mailto:msoraghan@eenews.net)>  
**Cc:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** Re: Request for Interview - Albert "Kell" Kelly

Hi Mike, Tricia is in and will help you.

On Jan 3, 2018, at 12:04 PM, Mike Soraghan <**Ex. 6 - Personal Privacy**> wrote:

Hi and Happy New Year. Any update on the status of this?

Mike Soraghan

E&E News reporter

**Ex. 6 - Personal Privacy**

[@MikeSoraghan](#)

## E&E NEWS

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[www.eenews.net](http://www.eenews.net) | [@EENewsUpdates](#)

Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**From:** Jones, Enesta [<mailto:Jones.Enesta@epa.gov>]  
**Sent:** Wednesday, December 20, 2017 2:10 PM  
**To:** Mike Soraghan <[Ex. 6 - Personal Privacy](#)>  
**Cc:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

No problem. We like to let reporters know we have not forgotten about them.

Happy Holidays!

**From:** Mike Soraghan [[mailto:](#) [Ex. 6 - Personal Privacy](#)]  
**Sent:** Wednesday, December 20, 2017 2:03 PM  
**To:** Jones, Enesta <[Jones.Enesta@epa.gov](mailto:Jones.Enesta@epa.gov)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Yes. I appreciate you staying on it. Thanks

Mike Soraghan

E&E News reporter

**Ex. 6 - Personal Privacy**

[@MikeSoraghan](#)

## E&E NEWS

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**From:** Jones, Enesta [<mailto:Jones.Enesta@epa.gov>]  
**Sent:** Wednesday, December 20, 2017 2:00 PM  
**To:** Mike Soraghan <[Ex. 6 - Personal Privacy](#)>  
**Cc:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Great, thanks. With the holidays and people being out, it's good to know you are flex.

**From:** Mike Soraghan [<mailto:> [Ex. 6 - Personal Privacy](#)]  
**Sent:** Wednesday, December 20, 2017 1:57 PM  
**To:** Jones, Enesta <[Jones.Enesta@epa.gov](mailto:Jones.Enesta@epa.gov)>  
**Cc:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Hi. I am still seeking an interview and I would prefer to do it in person or on the phone. I have some flexibility on time, since we don't publish between Christmas and New Year's. My questions are basically the same as what I'd sent to Ms. Lynn. I think they're part of this thread. Thanks for your help.

Mike Soraghan

E&E News reporter

**Ex. 6 - Personal Privacy**

@MikeSoraghan

**E&E NEWS**

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**From:** Jones, Enesta [<mailto:Jones.Enesta@epa.gov>]  
**Sent:** Wednesday, December 20, 2017 1:52 PM  
**To:** Mike Soraghan <**Ex. 6 - Personal Privacy**>  
**Cc:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** Re: Request for Interview - Albert "Kell" Kelly

Hi Mike, are you still seeking an interview? If it's not possible, would you accept written responses? That said, can you provide specific questions — as well as the absolute latest you can wait for us to be responsive?

Thanks,

Enesta

On Dec 7, 2017, at 3:31 PM, Mike Soraghan <**Ex. 6 - Personal Privacy**> wrote:

Great. Thank you. Please stay in touch.

---

**From:** "Lynn, Tricia" <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>

**Date:** Thu Dec 07 14:33:48 EST 2017

**To:** "Mike Soraghan" <[Mike.Soraghan@epa.gov](mailto:Mike.Soraghan@epa.gov)> **Ex. 6 - Personal Privacy**

**Cc:** "Jones, Enesta" <[Jones.Enesta@epa.gov](mailto:Jones.Enesta@epa.gov)>

**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Hi Mike—

I wanted to let you know that I haven't forgotten about you, but that we haven't yet been able to schedule with Mr. Kelly. I'm out of the office tomorrow, but my colleague, Enesta Jones, will keep an eye out in case an opportunity arises. Otherwise I'll be back in touch when we're able to schedule.

Best,

Tricia

**From:** Mike Soraghan [<mailto:Mike.Soraghan@epa.gov>] **Ex. 6 - Personal Privacy**

**Sent:** Monday, December 04, 2017 11:44 AM

**To:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>

**Subject:** RE: Request for Interview - Albert "Kell" Kelly

OK. Thank you. Please stay in touch.

Mike Soraghan

E&E News reporter

**Ex. 6 - Personal Privacy**

[@MikeSoraghan](mailto:Mike.Soraghan@epa.gov)

## E&E NEWS

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**From:** Lynn, Tricia [<mailto:lynn.tricia@epa.gov>]  
**Sent:** Monday, December 04, 2017 11:09 AM  
**To:** Mike Soraghan <[Ex. 6 - Personal Privacy](#)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Thanks Mike. Unfortunately he had to leave earlier than expected today for a meeting, but I'll check on later in the week.

**From:** Mike Soraghan [[mailto:](#) [Ex. 6 - Personal Privacy](#)]  
**Sent:** Friday, December 01, 2017 10:35 AM  
**To:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** Re: Request for Interview - Albert "Kell" Kelly

Hi. Thanks for getting back. I am wide open Monday. I'm traveling Tuesday. From Wednesday to Friday I will be in DC, with scattered appointments. Please let me know what would work best.

Mike Soraghan

Reporter

E&E News - EnergyWire

[Ex. 6 - Personal Privacy](#)

Sent from my iPhone

On Dec 1, 2017, at 9:54 AM, Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)> wrote:

Mike—

We're still working on this as he's been travelling quite a bit. We can't promise Monday (12/4), but what sort of flexibility do you have for then?

Thanks so much,

Tricia

**From:** Mike Soraghan [<mailto:> **Ex. 6 - Personal Privacy**]  
**Sent:** Tuesday, November 28, 2017 12:07 PM  
**To:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Great. Thank you.

Mike Soraghan

E&E News reporter

**Ex. 6 - Personal Privacy**

[@MikeSoraghan](#)



**E&E NEWS**

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**From:** Lynn, Tricia [<mailto:lynn.tricia@epa.gov>]  
**Sent:** Tuesday, November 28, 2017 12:04 PM  
**To:** Mike Soraghan <[Ex. 6 - Personal Privacy](#)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

We were just talking about it this morning. Give me a bit of time and I'll see what I can find out from the person who'd be scheduling it.

**From:** Mike Soraghan [[mailto:](#) [Ex. 6 - Personal Privacy](#)]  
**Sent:** Tuesday, November 28, 2017 11:54 AM  
**To:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Hi. Thought I'd do a post-holiday check-in. Any luck with this?

Thanks,

Mike Soraghan

E&E News reporter

**Ex. 6 - Personal Privacy**

[@MikeSoraghan](#)

**E&E NEWS**

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**From:** Lynn, Tricia [<mailto:lynn.tricia@epa.gov>]  
**Sent:** Wednesday, November 15, 2017 8:45 AM  
**To:** Mike Soraghan <[Ex. 6 - Personal Privacy](#)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Thanks Mike. I'll be in touch soon with next steps.

Best,

Tricia

**From:** Mike Soraghan [[mailto:](#) [Ex. 6 - Personal Privacy](#)]  
**Sent:** Tuesday, November 14, 2017 10:45 AM  
**To:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Hi. Here are some questions. Also, it would be great to talk with Mr. Kelly in person, even if the interview is still brief. I work remotely, but I could be in DC on relatively short notice. My hard deadline is COB Dec. 8.

How does a banker from eastern Oklahoma wind up leading efforts on Superfund?

How has having several contaminated sites in your hometown impacted your perspective on Superfund?

How involved have you been with the Superfund site and contaminated sites in Bristow?

Since taking this position, have you visited the Wilcox site, Kwikset or the other sites, or talked with people around the sites?

What is your role with Superfund now that the streamlining report is complete?

How many sites have you visited?

What are you learning from giving out your cellphone number?

From your task force's recommendations, the "Top 10 list" has gotten the most attention. Is that the most important recommendation? If not, what are we missing?

Oklahoma's Tar Creek site is well known for the Picher-Cardin buyout. Did your task force look at any changes to the policies on buy-outs?

Thanks for your help,

Mike Soraghan

E&E News reporter

**Ex. 6 - Personal Privacy**

@MikeSoraghan

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**From:** Lynn, Tricia [<mailto:lynn.tricia@epa.gov>]

**Sent:** Monday, November 13, 2017 4:07 PM

**To:** Mike Soraghan <[Ex. 6 - Personal Privacy](#)>

**Subject:** RE: Request for Interview - Albert "Kell" Kelly

Hi Mike—

Liz passed on your inquiry, and I'm happy to try and help set up an interview. To begin I'll need a list of your specific questions and your hard deadline. Can you please send those at your earliest convenience?

Thanks so much,

Tricia

---

Tricia Lynn

Office of Public Affairs

U.S. EPA

Ex. 6 - Personal Privacy

**From:** Mike Soraghan [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Monday, November 13, 2017 3:41 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** Request for Interview - Albert "Kell" Kelly

Ms. Bowman,

Hi. I've been working for some time on a story about Superfund sites in Oklahoma. I'm writing to request an interview with Mr. Albert "Kell" Kelly. Since he is from Oklahoma and is heading up the administrator's Superfund streamlining efforts, he seemed like a good person to talk to for this story. I also know his hometown has several contaminated sites and at least one Superfund site. So he has some practical experience that others might not have, and that's an angle I'm intending to look at.

I can be reached at this email or at Ex. 6 - Personal Privacy. Thank you for any assistance you can provide.

Thank you,

Mike Soraghan

E&E News reporter

Ex. 6 - Personal Privacy

@MikeSoraghan

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**To:** Press[Press@epa.gov]  
**From:** Hassell, Emily  
**Sent:** Wed 2/21/2018 7:08:18 PM  
**Subject:** White House Report: Daily Wrap and Top Stories, 21 February 2018

## **Daily Wrap**

BNA (Sylvia Carignan) - Interview request for Tina Bahadori of NCEA.

BNA (Abby Smith) - RIN 2060-AT75 under the Unified Agenda.

The Colorado Press (Sean Hakes) - Polyurethane application for concrete lifting and foundation repair.

CQ Roll Call (Jackie Toth) - 2016 Effluent Guidelines Program Plan.

CSPAN (Leslie Burdette) - Interview request with Administrator Pruitt.

FedTech (Jacquelyn Bengfort) - Interview request on teleworking.

The Hill (Timothy Cama) - Letter from Dems on Administrator Pruitt's travel.

InsideEPA (Lee Logan) - Kigali Amendment and HFCs.

InsideEPA (Dawn Reeves) - RFS suit and the sue-and-settle policy.

International Trade Today (Brian Feito); Law360 (Dorothy Atkins) - Formaldehyde emissions standards ruling.

Lafollette Press (Crystal Huskey) - Process and cost of water quality testing.

The Malibu Times (Shivani Patel) - PCBs in the Santa Monica-Malibu School District.

Men's Health Magazine (Sal Vaglica) - Home water filtration.

Reuters (Richard Valdmanis) - RFS meeting.

Wall Street Journal (Peg Brickley) - PES bankruptcy filing.

Washington Post (Brady Dennis) - Administrator Pruitt's travel.

## **Top Stories**

### ***Administrator Pruitt's Travel***

<https://www.reuters.com/article/us-usa-epa-travel/house-democrats-ask-epa-chief-for-details-on-premium-travel-idUSKCN1G42IC>

#### **House Democrats ask EPA chief for details on premium travel**

<https://www.politicopro.com/agriculture/whiteboard/2018/02/house-democrats-press-pruitt-for-more-info-on-travel-646305>

#### **House Democrats press Pruitt for more info on travel**

<https://www.eenews.net/greenwire/stories/1060074395/search?keyword=EPA>

#### **House watchdog questions Pruitt's first-class travel**

<http://www.cnn.com/2018/02/18/politics/epa-scott-pruitt-israel-travel/index.html>

#### **Pruitt postponing visit to Israel after reports of expensive travel**

### ***General***

<http://thehill.com/homenews/administration/374715-white-house-trump-has-confidence-in-va-epa-chiefs>

#### **White House: Trump has confidence in VA, EPA chiefs**



<https://www.politicopro.com/energy/article/2018/02/pruitts-cleanup-plan-wont-win-superfund-tax-infusion-353771>

### **Pruitt's cleanup plan won't win Superfund tax infusion**

<https://www.eenews.net/greenwire/stories/1060074289/search?keyword=EPA>

### **Pruitt, Zinke and Perry to address CPAC**

<https://www.eenews.net/greenwire/stories/1060074419/search?keyword=EPA>

### **Pruitt's office cancels 'active shooter' drill**

<http://thehill.com/policy/energy-environment/374633-former-epa-admin-regulation-rollbacks-legally-not-going-to-hold-up>

### **Obama EPA chief: Trump regulation rollbacks won't hold up legally**

<https://www.eenews.net/climatewire/stories/1060074339/search?keyword=EPA>

### **'I never imagined this would happen' — ex-EPA staffer**

<https://www.eenews.net/eenewspm/stories/1060074317/search?keyword=EPA>

### **Justices pass on challenges to EPA's Clean Water Act power**

<http://thehill.com/policy/energy-environment/374824-hundreds-of-mayors-come-together-to-oppose-trump-reversal-of-obama>

### **Hundreds of mayors unite against Trump reversal of Obama-era climate plan**

<https://www.eenews.net/greenwire/stories/1060074297/search?keyword=EPA>

## **OMB greenlights bid to scrap Obama oil and gas guidelines**

<https://www.eenews.net/greenwire/stories/1060074295/search?keyword=EPA>

## **Judges hear arguments over 2 EPA listing decisions**

<https://insideepa.com/daily-news/epa-names-chemical-company-lawyer-waste-offices-deputy-slot>

## **EPA Names Chemical Company Lawyer To Waste Office's Deputy Slot**

<https://www.eenews.net/eenewspm/stories/1060074319/search?keyword=EPA>

## **'Lean' training this spring — operations chief**

<https://www.eenews.net/greenwire/stories/1060074393/search?keyword=EPA>

## **IG to examine emergency-response gear**

<https://apnews.com/5cbce7f863594d0a96b2d4848c548566/Oil-spill-cleanup-underway-in-suburban-Oklahoma-City>

## **Oil spill cleanup underway in suburban Oklahoma City**

<https://www.reuters.com/article/us-missouri-lawsuit/missouri-residents-sue-over-radioactive-material-storage-sites-idUSKCN1G50AZ>

## **Missouri residents sue over radioactive material storage sites**

<https://www.eenews.net/energywire/stories/1060074323/search?keyword=EPA>

## **IG report discounted Tar Creek Superfund fraud claims**

**To:** Flynn, Matthew J. EOP/WHO[Matthew.J.Flynn@who.eop.gov]  
**From:** Bowman, Liz  
**Sent:** Fri 3/23/2018 4:59:25 PM  
**Subject:** FW: EPA's Weekly Report for 3/23/18

**From:** Wilcox, Jahan  
**Sent:** Friday, March 23, 2018 12:12 PM  
**To:** Ferre, Helen A. EOP/WHO <Helen.A.Ferre@who.eop.gov>; Rateike, Bradley A. EOP/WHO <Bradley.A.Rateike@who.eop.gov>; Love, Kelly A. EOP/WHO <Kelly.A.Love@who.eop.gov>; Shah, Raj S. EOP/WHO <Raj.S.Shah@who.eop.gov>; Kennedy, Adam R. EOP/WHO <Adam.R.Kennedy@who.eop.gov>; Hogan.Gidley@who.eop.gov  
**Cc:** Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Konkus, John <konkus.john@epa.gov>  
**Subject:** FW: EPA's Weekly Report for 3/23/18

Helen -

Below is our regional coverage which includes regional radio hits, regional print stories and a few front pages.

This link might be better if the pictures don't come through: <http://createsend.com/t/d-C308C12E222962D12540EF23F30FEDED>.

**From:** EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office  
**Sent:** Friday, March 23, 2018 11:30 AM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** EPA's Weekly Report for 3/23/18

No Images? [Click here](#)

## EPA'S WEEKLY REPORT



This week Environmental Protection Agency (EPA) Administrator Scott Pruitt sat down with more than a dozen reporters across all mediums to discuss the important work the Agency is doing to ensure regulatory certainty for America's farmers, ranchers, and businesses during National Agriculture Week. Pruitt also advanced the Trump Administration's infrastructure agenda with a push to eradicate lead from drinking water and convene a [national leadership summit](#) on PFAS to update America's crumbling water infrastructure.

#### NATIONAL NEWS ...

**In an exclusive interview with the [Daily Caller](#), EPA Administrator Scott Pruitt laid out his plans to end the use of "secret science" to craft Agency regulations.** "Pruitt will reverse long-standing EPA policy allowing regulators to rely on non-public scientific data in crafting rules. Such studies have been used to justify tens of billions of dollars worth of regulations. EPA regulators would only be allowed to consider scientific studies that make their data available for public scrutiny under Pruitt's new policy. Also, EPA-funded studies would need to make all their data public."

**EPA Administrator Pruitt sat down with [AgDay](#) to talk about issues impacting farmers and ranchers including EPA's efforts to provide certainty by redefining "Waters of the U.S."** According to Pruitt, a substitute or replacement definition will be issued sometime this year, a definition that will recognize private property ownership and the roles of states, and will answer the question of what exactly is a water of the United States. 'We're going to get that right going forward, and the definition is going to provide clarity, objective measurements by which we know where federal jurisdiction begins and ends,' he said."

#### OP-ED ...

**In the [Washington Times](#), EPA Administrator Pruitt outlined the Agency's efforts to overhaul the permitting process to "rebuild and revitalize our nation's crumbling infrastructure."** "The president's ambitious proposal calls for the U.S. Environmental Protection Agency to play a leading role in the administration's efforts ... America's infrastructure was once the envy of the world. The president's proposal will restore our roads, bridges and waterways to greatness and create a safer, stronger America. Through regulatory reforms and targeted investments, EPA will spearhead the much-needed repairs to infrastructure in a way that provides tangible environmental benefits to all Americans."

#### REGIONAL NEWS ...

**The [Detroit News](#) reported that eradicating lead from drinking water is one of EPA Administrator Pruitt's top priorities.** "'I do think that what happened in Flint is something that could happen elsewhere. We just simply need to take steps to do all that we can to address it prospectively and proactively,' Pruitt said. Pruitt said President Donald Trump's \$1.5 trillion plan to bolster the nation's infrastructure over the next decade would include investments in aging water infrastructure."

**While speaking with the [New York Post](#), Pruitt called for a local, state, and federal response to the lead crisis in New York City and across the country.** "EPA Administrator Scott Pruitt called for a 'coordinated' response between New York State and City officials to address the ongoing lead crisis."

In an interview with [Newark Star-Ledger](#), Pruitt discussed efforts to make cleaning up Superfund sites a priority to advance the Agency's core mission. "The Environmental Protection Agency plans to step up efforts to get companies who dumped toxic waste at New Jersey's Superfund sites to pay to clean them up, Administrator Scott Pruitt said. Pruitt on Monday blamed a lack of urgency... New Jersey has 114 designated Superfund sites, the most in the nation, included three of Pruitt's 21 highest-priority locations."

Pruitt reiterated his commitment to prioritizing the Superfund program to clean up America's most contaminated sites, including Tar Creek, in an interview with the [Tulsa World](#). "Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to the Tar Creek area, for decades one of the oldest, largest and most complex toxic sites in the nation. 'It is really unacceptable,' Pruitt said as he recalled the history of the Tar Creek area in far northeastern Oklahoma, whose Superfund legacy dates back to 1983, as well as the amount of money and time deployed there."

At this week's regional roundtable, the [Albuquerque Journal](#) reported on progress the Trump Administration is making on claim stemming from the 2015 Gold King Mine spill.

"Environmental Protection Agency Administrator Scott Pruitt said Monday that the federal government is close to finishing its assessment of roughly 400 claims for financial damages stemming from the 2015 Gold King Mine spill, which dumped toxic chemicals into waters in New Mexico, Colorado and Utah, and final recommendations could be ready by the end of the month."

#### RADIO ...

This week, Administrator Pruitt joined [WZFG 1100 AM The Flag – North Dakota](#) to talk about his first year accomplishments, including repeal and replacement of both "Waters of the U.S." rule and Clean Power Plan.

Administrator Pruitt also joined the [Lars Larson Show](#), based in Portland, Ore., and discussed how he's working to get the EPA back to basics and provide regulatory certainty for all Americans.

On the St. Louis, Missouri's own [Mark Reardon Show](#), Administrator Pruitt talked a little about baseball and a lot about the good work the Agency is doing to improve environmental outcomes across the country.

Scott Voorhees on [1110 KFAF–Omaha](#) had Administrator Pruitt on his show Wednesday to talk about what's to come at the EPA this year, including a continued focused on Superfund clean-up and regulatory transparency.

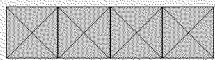
#### TWEETS ...



**FRONT PAGES ...**

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Washington, D.C. 20004

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**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Bowman, Liz  
**Sent:** Fri 3/23/2018 4:58:54 PM  
**Subject:** RE: EPA's Weekly Report for 3/23/18

Thank you for sending this!

**From:** Wilcox, Jahan  
**Sent:** Friday, March 23, 2018 12:12 PM  
**To:** Ferre, Helen A. EOP/WHO <Helen.A.Ferre@who.eop.gov>; Rateike, Bradley A. EOP/WHO <Bradley.A.Rateike@who.eop.gov>; Love, Kelly A. EOP/WHO <Kelly.A.Love@who.eop.gov>; Shah, Raj S. EOP/WHO <Raj.S.Shah@who.eop.gov>; Kennedy, Adam R. EOP/WHO <Adam.R.Kennedy@who.eop.gov>; Hogan.Gidley@who.eop.gov  
**Cc:** Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Konkus, John <konkus.john@epa.gov>  
**Subject:** FW: EPA's Weekly Report for 3/23/18

Helen -

Below is our regional coverage which includes regional radio hits, regional print stories and a few front pages.

This link might be better if the pictures don't come through: <http://createsend.com/t/d-C308C12E222962D12540EF23F30FEDED>.

**From:** EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office  
**Sent:** Friday, March 23, 2018 11:30 AM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** EPA's Weekly Report for 3/23/18

No Images? [Click here](#)

## EPA'S WEEKLY REPORT



This week Environmental Protection Agency (EPA) Administrator Scott Pruitt sat down with more than a dozen reporters across all mediums to discuss the important work the Agency is doing to ensure regulatory certainty for America's farmers, ranchers, and businesses during National Agriculture Week. Pruitt also advanced the Trump Administration's infrastructure agenda with a push to eradicate lead from drinking water and convene a [national leadership summit](#) on PFAS to update America's crumbling water infrastructure.

#### NATIONAL NEWS ...

**In an exclusive interview with the [Daily Caller](#), EPA Administrator Scott Pruitt laid out his plans to end the use of "secret science" to craft Agency regulations.** "Pruitt will reverse long-standing EPA policy allowing regulators to rely on non-public scientific data in crafting rules. Such studies have been used to justify tens of billions of dollars worth of regulations. EPA regulators would only be allowed to consider scientific studies that make their data available for public scrutiny under Pruitt's new policy. Also, EPA-funded studies would need to make all their data public."

**EPA Administrator Pruitt sat down with [AgDay](#) to talk about issues impacting farmers and ranchers including EPA's efforts to provide certainty by redefining "Waters of the U.S."** According to Pruitt, a substitute or replacement definition will be issued sometime this year, a definition that will recognize private property ownership and the roles of states, and will answer the question of what exactly is a water of the United States. 'We're going to get that right going forward, and the definition is going to provide clarity, objective measurements by which we know where federal jurisdiction begins and ends,' he said."

#### OP-ED ...

**In the [Washington Times](#), EPA Administrator Pruitt outlined the Agency's efforts to overhaul the permitting process to "rebuild and revitalize our nation's crumbling infrastructure."** "The president's ambitious proposal calls for the U.S. Environmental Protection Agency to play a leading role in the administration's efforts ... America's infrastructure was once the envy of the world. The president's proposal will restore our roads, bridges and waterways to greatness and create a safer, stronger America. Through regulatory reforms and targeted investments, EPA will spearhead the much-needed repairs to infrastructure in a way that provides tangible environmental benefits to all Americans."

#### REGIONAL NEWS ...

**The [Detroit News](#) reported that eradicating lead from drinking water is one of EPA Administrator Pruitt's top priorities.** "'I do think that what happened in Flint is something that could happen elsewhere. We just simply need to take steps to do all that we can to address it prospectively and proactively,' Pruitt said. Pruitt said President Donald Trump's \$1.5 trillion plan to bolster the nation's infrastructure over the next decade would include investments in aging water infrastructure."

**While speaking with the [New York Post](#), Pruitt called for a local, state, and federal response to the lead crisis in New York City and across the country.** "EPA Administrator Scott Pruitt called for a 'coordinated' response between New York State and City officials to address the ongoing lead crisis."

In an interview with [Newark Star-Ledger](#), Pruitt discussed efforts to make cleaning up Superfund sites a priority to advance the Agency's core mission. "The Environmental Protection Agency plans to step up efforts to get companies who dumped toxic waste at New Jersey's Superfund sites to pay to clean them up, Administrator Scott Pruitt said. Pruitt on Monday blamed a lack of urgency... New Jersey has 114 designated Superfund sites, the most in the nation, included three of Pruitt's 21 highest-priority locations."

Pruitt reiterated his commitment to prioritizing the Superfund program to clean up America's most contaminated sites, including Tar Creek, in an interview with the [Tulsa World](#). "Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to the Tar Creek area, for decades one of the oldest, largest and most complex toxic sites in the nation. 'It is really unacceptable,' Pruitt said as he recalled the history of the Tar Creek area in far northeastern Oklahoma, whose Superfund legacy dates back to 1983, as well as the amount of money and time deployed there."

At this week's regional roundtable, the [Albuquerque Journal](#) reported on progress the Trump Administration is making on claim stemming from the 2015 Gold King Mine spill.

"Environmental Protection Agency Administrator Scott Pruitt said Monday that the federal government is close to finishing its assessment of roughly 400 claims for financial damages stemming from the 2015 Gold King Mine spill, which dumped toxic chemicals into waters in New Mexico, Colorado and Utah, and final recommendations could be ready by the end of the month."

#### RADIO ...

This week, Administrator Pruitt joined [WZFG 1100 AM The Flag – North Dakota](#) to talk about his first year accomplishments, including repeal and replacement of both "Waters of the U.S." rule and Clean Power Plan.

Administrator Pruitt also joined the [Lars Larson Show](#), based in Portland, Ore., and discussed how he's working to get the EPA back to basics and provide regulatory certainty for all Americans.

On the St. Louis, Missouri's own [Mark Reardon Show](#), Administrator Pruitt talked a little about baseball and a lot about the good work the Agency is doing to improve environmental outcomes across the country.

Scott Voorhees on [1110 KFAF–Omaha](#) had Administrator Pruitt on his show Wednesday to talk about what's to come at the EPA this year, including a continued focused on Superfund clean-up and regulatory transparency.

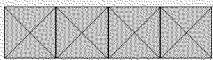
#### TWEETS ...



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Washington, D.C. 20004

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**To:** Frye, Tony (Robert)[frye.robert@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]  
**From:** Rodrick, Christian  
**Sent:** Fri 3/23/2018 3:51:19 PM  
**Subject:** RE: Weekly Report  
OCIR Weekly Report DRAFT 3.23.18.docx

Here you go, P-Cory

*Christian Rodrick*

*Special Assistant*

*Congressional Affairs U.S. EPA*

O: Ex. 6 - Personal Privacy

**From:** Frye, Tony (Robert)  
**Sent:** Friday, March 23, 2018 11:19 AM  
**To:** Rodrick, Christian <rodrick.christian@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>  
**Subject:** Weekly Report

## WEEKLY RECAP

**Nominations** On March 23<sup>rd</sup>, Senate Majority Leader McConnell filed a Motion to Invoke Cloture on the nomination, which sets the stage for full Senate consideration following the upcoming State Work Period.

**Meetings** Andrew Wheeler, DA nominee, met with Senator Tester on March 20<sup>th</sup>.

## LOOK-A-HEAD

**Mar. 19** The House and Senate are out of session.

<https://www.dailysignal.com/2018/03/22/here-are-6-of-the-146-trump-nominees-stalled-by-senate-democrats/>

<http://thehill.com/homenews/senate/379649-gop-pushes-to-change-senate-rules-for-trump>

<http://thehill.com/homenews/campaign/379566-vermont-becomes-only-state-to-never-have-a-female-lawmaker>

<http://newsok.com/article/5587813/pruitt-says-new-push-on-superfund-sites-can-bring-accountability-to-tar-creek-cleanup>

<https://www.usnews.com/news/best-states/wyoming/articles/2018-03-21/epa-head-to-visit-wyoming-coal-country>

**Tony Frye**

Special Assistant

Office of Congressional & Intergovernmental Affairs

Environmental Protection Agency

Phone:

Cell:

**To:** Rodrick, Christian[rodrick.christian@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]  
**From:** Cory, Preston (Katherine)  
**Sent:** Fri 3/23/2018 3:58:05 PM  
**Subject:** RE: Weekly Report  
OCIR Weekly Report DRAFT 3.23.18.docx

**From:** Rodrick, Christian  
**Sent:** Friday, March 23, 2018 11:51 AM  
**To:** Frye, Tony (Robert) <frye.robert@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>  
**Subject:** RE: Weekly Report

Here you go, P-Cory

*Christian Rodrick*

*Special Assistant*

*Congressional Affairs U.S. EPA*

O: (Ex. 6 - Personal Privacy)

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**Sent:** Friday, March 23, 2018 11:19 AM  
**To:** Rodrick, Christian <rodrick.christian@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>  
**Subject:** Weekly Report

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Meetings                      Andrew Wheeler, DA nominee, met with Senator Tester on March 20<sup>th</sup>.

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<http://thehill.com/homenews/campaign/379566-vermont-becomes-only-state-to-never-have-a-female-lawmaker>

<http://newsok.com/article/5587813/pruitt-says-new-push-on-superfund-sites-can-bring-accountability-to-tar-creek-cleanup>

<https://www.usnews.com/news/best-states/wyoming/articles/2018-03-21/epa-head-to-visit-wyoming-coal-country>

## **Tony Frye**

Special Assistant

Office of Congressional & Intergovernmental Affairs

Environmental Protection Agency

Phone: Ex. 6 - Personal Privacy

Cell: Ex. 6 - Personal Privacy





**To:** Lockett, Casey[Lockett.Casey@epa.gov]; Edlund, Carl[Edlund.Carl@epa.gov]; Chancellor, Erin[chancellor.erin@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Fonseca, Silvina[Fonseca.Silvina@epa.gov]; Lindley, Emily[lindley.emily@epa.gov]  
**Cc:** Woolford, James[Woolford.James@epa.gov]; Meyer, John[Meyer.John@epa.gov]; Taheri, Diane[Taheri.Diane@epa.gov]; Bokun, Lisa[Bokun.Lisa@epa.gov]  
**From:** Gray, David  
**Sent:** Mon 7/9/2018 4:09:41 PM  
**Subject:** RE: Health clinic grand opening? UPDATE!

Thanks Casey – let's coordinate timing with Erin so she or Ken can join Anne.

David

David Gray

Deputy Regional Administrator

USEPA – Dallas

gray.david@epa.gov

Ex. 6 - Personal Privacy direct

Ex. 6 - Personal Privacy cell

(214) 665-2100 general office

**From:** Lockett, Casey  
**Sent:** Monday, July 9, 2018 8:50 AM  
**To:** Edlund, Carl <Edlund.Carl@epa.gov>; Gray, David <gray.david@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Lindley, Emily <lindley.emily@epa.gov>  
**Cc:** Woolford, James <Woolford.James@epa.gov>; Meyer, John <Meyer.John@epa.gov>; Taheri, Diane <Taheri.Diane@epa.gov>; Bokun, Lisa <Bokun.Lisa@epa.gov>  
**Subject:** RE: Health clinic grand opening? UPDATE!

I just spoke with the CEO for the East Central Oklahoma Family Health Center, the nonprofit organization opening the rural health clinic this summer. She'd like to host the grand opening in late summer or fall, as originally planned. They're haven't actually moved in yet so a public grand opening on July 26 would be a scramble to pull together.

Thanks to everyone for the support of this great Superfund reuse success! I'll keep everyone posted as plans for the grand opening develop.

Casey

Casey Luckett Snyder

EPA R6 Project Manager and

Superfund Reuse Coordinator

Ex. 6 - Personal Privacy

[luckett.casey@epa.gov](mailto:luckett.casey@epa.gov)

**From:** Edlund, Carl

**Sent:** Thursday, July 05, 2018 3:13 PM

**To:** Gray, David <[gray.david@epa.gov](mailto:gray.david@epa.gov)>; Chancellor, Erin <[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)>; Falvo, Nicholas <[falvo.nicholas@epa.gov](mailto:falvo.nicholas@epa.gov)>; Fonseca, Silvina <[Fonseca.Silvina@epa.gov](mailto:Fonseca.Silvina@epa.gov)>; Lindley, Emily <[lindley.emily@epa.gov](mailto:lindley.emily@epa.gov)>

**Cc:** Woolford, James <[Woolford.James@epa.gov](mailto:Woolford.James@epa.gov)>; Meyer, John <[Meyer.John@epa.gov](mailto:Meyer.John@epa.gov)>; Taheri, Diane <[Taheri.Diane@epa.gov](mailto:Taheri.Diane@epa.gov)>; Bokun, Lisa <[Bokun.Lisa@epa.gov](mailto:Bokun.Lisa@epa.gov)>; Luckett, Casey <[Luckett.Casey@epa.gov](mailto:Luckett.Casey@epa.gov)>

**Subject:** RE: Health clinic grand opening? UPDATE!

Thanks all ..Casey is out this week but it is my understanding that the Clinic was

planning on a Fall opening but would make a crash effort at the end of July if the Administrator were to be available. Will provide an update next week on the timing of the event.

**From:** Gray, David

**Sent:** Thursday, July 05, 2018 3:06 PM

**To:** Chancellor, Erin <[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)>; Edlund, Carl <[Edlund.Carl@epa.gov](mailto:Edlund.Carl@epa.gov)>; Falvo, Nicholas <[falvo.nicholas@epa.gov](mailto:falvo.nicholas@epa.gov)>; Fonseca, Silvina <[Fonseca.Silvina@epa.gov](mailto:Fonseca.Silvina@epa.gov)>; Lindley, Emily <[lindley.emily@epa.gov](mailto:lindley.emily@epa.gov)>

**Cc:** Woolford, James <[Woolford.James@epa.gov](mailto:Woolford.James@epa.gov)>; Meyer, John <[Meyer.John@epa.gov](mailto:Meyer.John@epa.gov)>; Taheri, Diane <[Taheri.Diane@epa.gov](mailto:Taheri.Diane@epa.gov)>; Bokun, Lisa <[Bokun.Lisa@epa.gov](mailto:Bokun.Lisa@epa.gov)>; Luckett, Casey <[Luckett.Casey@epa.gov](mailto:Luckett.Casey@epa.gov)>

**Subject:** RE: Health clinic grand opening? UPDATE!

Thanks Erin. I think Anne can attend on July 26 since she was going to be in Tulsa area to tour Tar Creek anyway. If you, Ken or Steven – she could join you! Adding Emily to the conversation.

David

**From:** Chancellor, Erin

**Sent:** Tuesday, July 3, 2018 5:00 PM

**To:** Edlund, Carl <[Edlund.Carl@epa.gov](mailto:Edlund.Carl@epa.gov)>; Falvo, Nicholas <[falvo.nicholas@epa.gov](mailto:falvo.nicholas@epa.gov)>; Fonseca, Silvina <[Fonseca.Silvina@epa.gov](mailto:Fonseca.Silvina@epa.gov)>

**Cc:** Woolford, James <[Woolford.James@epa.gov](mailto:Woolford.James@epa.gov)>; Meyer, John <[Meyer.John@epa.gov](mailto:Meyer.John@epa.gov)>; Gray, David <[gray.david@epa.gov](mailto:gray.david@epa.gov)>; Taheri, Diane <[Taheri.Diane@epa.gov](mailto:Taheri.Diane@epa.gov)>; Bokun, Lisa <[Bokun.Lisa@epa.gov](mailto:Bokun.Lisa@epa.gov)>; Luckett, Casey <[Luckett.Casey@epa.gov](mailto:Luckett.Casey@epa.gov)>

**Subject:** RE: Health clinic grand opening? UPDATE!

Hi y'all,

Heard back from Hayley and SP will not be able to make this trip work. If Anne can't make it, either me, Ken, or Steven will go. Please keep us updated, and thanks for all the hard work!

Thanks,

**Erin E. Chancellor**

**From:** Edlund, Carl  
**Sent:** Friday, June 29, 2018 8:50 PM  
**To:** Chancellor, Erin <[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)>; Falvo, Nicholas <[falvo.nicholas@epa.gov](mailto:falvo.nicholas@epa.gov)>; Fonseca, Silvina <[Fonseca.Silvina@epa.gov](mailto:Fonseca.Silvina@epa.gov)>  
**Cc:** Woolford, James <[Woolford.James@epa.gov](mailto:Woolford.James@epa.gov)>; Meyer, John <[Meyer.John@epa.gov](mailto:Meyer.John@epa.gov)>; Gray, David <[gray.david@epa.gov](mailto:gray.david@epa.gov)>; Taheri, Diane <[Taheri.Diane@epa.gov](mailto:Taheri.Diane@epa.gov)>; Bokun, Lisa <[Bokun.Lisa@epa.gov](mailto:Bokun.Lisa@epa.gov)>; Lockett, Casey <[Lockett.Casey@epa.gov](mailto:Lockett.Casey@epa.gov)>  
**Subject:** Fwd: Health clinic grand opening? UPDATE!

Follow up from info that our AX office provided

Sent from my iPad

Begin forwarded message:

**From:** "Lockett, Casey" <[Lockett.Casey@epa.gov](mailto:Lockett.Casey@epa.gov)>  
**Date:** June 29, 2018 at 5:55:25 PM CDT  
**To:** "Edlund, Carl" <[Edlund.Carl@epa.gov](mailto:Edlund.Carl@epa.gov)>  
**Cc:** "Bokun, Lisa" <[Bokun.Lisa@epa.gov](mailto:Bokun.Lisa@epa.gov)>, "Flemming, Tongee" <[flemming.tongee@epa.gov](mailto:flemming.tongee@epa.gov)>, "Meyer, John" <[Meyer.John@epa.gov](mailto:Meyer.John@epa.gov)>  
**Subject:** Fwd: Health clinic grand opening? UPDATE!

Ok, the Eagle Picher health clinic will officially be up and running and they can make either July 26 or 27 work for an event IF Administrator Pruitt would like to participate. This is ahead of their planned August schedule but they REALLY want him to attend since it's in OK and it's a great SF Reuse success story! It's in Henryetta which is about an hour from OKC. Can we add this as a potential event to the list submitted on Wed? And any idea when we will hear something from his office?

Casey

Sent from my iPad

Begin forwarded message:

**From:** Donna Dyer <Ex. 6 - Personal Privacy>  
**Date:** June 29, 2018 at 3:12:31 PM CDT  
**To:** "Luckett, Casey" <Luckett.Casey@epa.gov>  
**Cc:** Denice Hicks <Ex. 6 - Personal Privacy>  
**Subject:** Re: Health clinic grand opening?

Okay Casey. We can schedule the open house either July 26th or 27th whichever works best for the Administer

Please let me know if it is doable.

Thanks so much for thinking of us.

Donna Dyer  
CEO  
East Central Oklahoma Family Health Center

On Jun 29, 2018, at 9:46 AM, Luckett, Casey <Luckett.Casey@epa.gov> wrote:

Hmmm, didn't see a cc on your email. But thanks for the update.

Casey

-----Original Message-----

From: Donna Dyer [mailto:Ex. 6 - Personal Privacy]  
Sent: Friday, June 29, 2018 9:42 AM  
To: Luckett, Casey <Luckett.Casey@epa.gov>  
Subject: Re: Health clinic grand opening?

They are working to up the bandwidth of the Internet they installed yesterday.  
Hopefully I will know something today. I am going to cc Denice Hicks, my CFO.

She can keep you informed next week. I still hoping we can make it happen.

Donna Dyer

CEO

East Central Oklahoma Family Health Center

On Jun 29, 2018, at 9:39 AM, Lockett, Casey <[Lockett.Casey@epa.gov](mailto:Lockett.Casey@epa.gov)> wrote:

Any news? We were asked to send a list of potential events for the Administrator's to review on 6/27 so unfortunately this one wasn't on the list because they had to be "all set". BUT - I can see about adding it if things have changed in the last couple of days.

If not, no worries!!

Casey

-----Original Message-----

From: Donna Dyer [<mailto:> **Ex. 6 - Personal Privacy**]

Sent: Wednesday, June 27, 2018 3:04 PM

To: Lockett, Casey <[Lockett.Casey@epa.gov](mailto:Lockett.Casey@epa.gov)>

Subject: Re: Health clinic grand opening?

I will let you know as soon as I know if the alternative Internet works. I think they are checking it today.

Donna Dyer

CEO

East Central Oklahoma Family Health Center

On Jun 27, 2018, at 2:58 PM, Lockett, Casey  
<[Lockett.Casey@epa.gov](mailto:Lockett.Casey@epa.gov)> wrote:

Sure! When do u think you'll know about hosting an event that week?  
They r really planning ahead because of his busy schedule

Sent from my iPad

On Jun 27, 2018, at 2:41 PM, Donna Dyer <Ex. 6 - Personal Privacy>  
wrote:

If we can get moved in I think we might be able to make it happen  
either the 26th or 27th. I just thought it might help to be leverage  
for ATT to lay the fiber optic line.

Donna Dyer

CEO

East Central Oklahoma Family Health Center

On Jun 27, 2018, at 2:33 PM, Lockett, Casey  
<[Lockett.Casey@epa.gov](mailto:Lockett.Casey@epa.gov)> wrote:

I'm sorry for your frustration and delay. If you do send an email to the Senators office please be clear that I was just checking to see if the grand opening would even be possible the week of July 23. As I mentioned, the EPA Administrator is looking to identify a Superfund project event that week to mark the one year anniversary of his Superfund Task Force.

Of course I thought of your project when I heard the request because it's such a great Superfund Reuse success project! I can ask about an August event but I understand that the idea was to celebrate a Superfund success and the Task Force all rolled into one event.

Hope all is going well with your knee surgery. Please keep me posted if you decide on a date because I'll be there with bells on!

Casey

Sent from my iPad

On Jun 27, 2018, at 12:28 PM, Donna Dyer

<Ex. 6 - Personal Privacy> wrote:

I would love to show Administrator Pruitt what we are doing, unfortunately, we still haven't been able to move in due to not having the Internet installed. If you don't mind, I would like to send this email to Senator Thompson's office. He has been helping to try and speed this process along. It has been very frustrating to me that this hasn't been completed yet.



Would there be a date in August the Administrator would be available?

Donna Dyer, MSHR

CEO

East Central Oklahoma Family Health Center, Inc.

Office: [Ex. 6 - Personal Privacy]

Cell: [Ex. 6 - Personal Privacy]

[Ex. 6 - Personal Privacy]

ECO Mission: To provide affordable, high quality, patient centered health care for East Central Oklahoma.

-----Original Message-----

From: Lockett, Casey [<mailto:Lockett.Casey@epa.gov>]

Sent: Wednesday, June 27, 2018 12:10 PM

To: Donna Dyer <[Ex. 6 - Personal Privacy]>

Subject: Health clinic grand opening?

Hi Donna,

EPA Administrator Pruitt is interested in participating in a Superfund event the week of July 23. I was asked me to check with you about the possibility of scheduling the health clinic grand opening to accommodate that request? I know your having knee surgery and you were thinking about hosting the grand opening later in August but I also remembered that you were very interested in asking the EPA Administrator to participate if possible.

Please let me know your thoughts as soon as possible.

Best of luck with your recovery!

Casey

Sent from my iPad

**To:** Kelly, Albert[kelly.albert@epa.gov]  
**Cc:** Ex. 6 - Personal Privacy  
**From:** John Berrey  
**Sent:** Fri 3/23/2018 7:35:02 PM  
**Subject:** priority list i left with Ryan  
Tar Creek Superfund Site Priorities March 2018 R1.docx

Kel,

Here is the list and I will send you some data from our discussion. Thank you for all you do.

- Chat Piles
- Railroad Spur
- Speed up Tar Creek work.

John L Berrey  
Chairman Quapaw Tribe Business Committee  
Downstream Development Authority

## Tar Creek Superfund Site

### Quapaw Tribe Priority List

March 2018

\*Oklahoma Department of Environmental Quality needs to be consistently funded 2018 and each year thereafter so that cleanup projects on non-restricted property can keep up with the clean up on restricted properties. \$5 Million per year should be allocated to keep state managed projects moving forward. The Elm Creek Site is the main project that will need to be funded from 2018 through 2020. This is a phased site project that will take several years to complete. When work stops, it's very expensive to start back up.

\*Quapaw Tribe needs funding to be consistent funded in 2018 and each year thereafter to keep work moving at a consistent pace. A minimum of \$10 Million per year should be allocated to keep restricted property clean up moving forward at Tar Creek Superfund Sites.

Clean up sites included in the current 5-year plan include: Distal 10, Distal 12, CB 199, St Louis Chat Pile, Ritz Chat Pile, Lucky Bill Chat Pile, Bird Dog Pile

\*Funding needs to be ear marked for the Operable Unit 4 chat in stream clean up. No funding has been allocated for this work to date. This would have the immediate effect of stopping constant heavy metal loading into Tar Creek and ultimately into Grand Lake.

\*Funding needs to allocate to ODEQ for Operable Unit 2 residential yard clean up work. Work has been progressing slowly and no funding has been allocated this year yet.

\*EPA should consider buying the rest of the Restricted chat, or fund the Tribe to purchase it. This would get BIA out of the process and have the effect of significantly reducing cleanup costs while also significantly expediting cleanup (EPA/taxpayer would likely more that recoup cost of purchasing chat).

\* Funding needs to be allocated for a feasibility study to be conducted to explore the potential for a large wetland, or series of wetlands, to be constructed for the central core of the Tar Creek mining area once chat is removed from streams. This is already working to cleanup mine discharges in smaller portions of the site. This would also help control flooding which occurs regularly in the Tar Creek area.

Message

**From:** Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]  
**Sent:** 3/20/2018 7:34:18 PM  
**To:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]  
**Subject:** APPROVAL:

Ryan, since you are the Tar Creek man, any concerns with this?

No Images? [Click here](#)



U.S. ENVIRONMENTAL PROTECTION AGENCY  
**NEWS RELEASE**  
WWW.EPA.GOV/NEWSROOM

## Tulsa World

# Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup

Jim Meyers

March 20, 2018

[http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article\\_4a3e4982-569e-5023-8141-392ebe629a65.html](http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article_4a3e4982-569e-5023-8141-392ebe629a65.html)

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Message

**From:** Block, Molly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=60D0C681A16441A0B4FA16AA2DD4B9C5-BLOCK, MOLL]  
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**Subject:** Tulsa World: Pruitt says new push on Superfund sites can bring accountability to Tar Creek cleanup

[http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article\\_4a3e4982-569e-5023-8141-392ebe629a65.html](http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article_4a3e4982-569e-5023-8141-392ebe629a65.html)

# Pruitt says new push on Superfund sites can bring accountability to Tar Creek cleanup

Jim Myers

WASHINGTON — Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to Tar Creek, for decades one of the oldest, largest and most complex toxic sites in the nation.

"It is really unacceptable," Pruitt said as he recalled the history of the Tar Creek, whose Superfund legacy dates back to 1983, as well as the amount of money and time deployed there.

"You don't list a site in the mid-1980s and you don't take the kind of steps we have taken historically and still have issues today in 2018."

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"It is one of the things that seemed to be languishing as we arrived," Pruitt said, making it clear the lack of urgency was something he found "palpable" at Superfund sites across the country.

"When it takes you 27, 28 years to make a decision — make a decision, not clean it up, not remediate, but make a decision on how you are going to remediate — that is unacceptable."

His comments came during one of several reporter roundtables he has been holding at EPA's headquarters to mark his first year as administrator during which he also became a leading voice in the Trump administration's major push on regulation reform.

Those efforts have prompted applause from his supporters and alarm from his critics.

Recently Pruitt is rarely out of the headlines with stories ranging from travel expenses to speculation over whether his political future might include bids for a U.S. Senate seat or even the White House.

When given the chance to comment on yet another story this week about his political options, he took a pass.

Pruitt also declined to comment when asked about a recent decision by an Oklahoma judge to allow a lawsuit filed by Campaign for Accountability to force the release of a 2014 audit of the Lead-Impacted Communities Relocation Trust, which was created as part of an effort to help move residents out of communities impacted by the Tar Creek contamination.

"That is during my time as attorney general," he said. "I think it is better that I just keep it focused on the EPA matters."

Pruitt, who was Oklahoma's attorney general before being tapped by President Donald Trump to lead his EPA, had declined to file charges based on the audit by state Auditor Gary Jones and also had taken steps to bar its release to the public.

According to reporting by The Oklahoman, legal action in the case continues and eventually could include an appeal to the Oklahoma Supreme Court.

Pruitt's emphasis on Tar Creek and the other Superfund sites across the country grew out of a task force he created in 2017, just months after being sworn in as administrator.

Members of the Superfund Task Force came back with a list of specific recommendations under major goals ranging from expediting cleanup and remediation to promoting redevelopment and community revitalization.

As part of that process, Tar Creek landed on a list Pruitt says he will use going forward to keep the emphasis on the program.

"To me there are some very fundamental, significant things we can do to provide clarity to citizens there. I think it has started to take root over the last several months," he said, adding that some of those steps could come "in the near term."

Still, that appears to be a work in progress.

"We are assessing those right now," Pruitt said when asked for examples.



In 2012, the Quapaw Tribe of Oklahoma and EPA signed an agreement to perform remedial action at Tar Creek, making the tribe the first to lead and manage cleanup of a federal superfund site.

Currently, the EPA says, the tribe and the Oklahoma Department of Environmental Quality handle much of the oversight and cleanup.

In May, 2017, the agency announced it had awarded \$4.8 million in financial assistance to the tribe to continue remediating contaminated soils from tribal lands.

Key EPA officials, including Albert “Kell” Kelley, senior adviser to Pruitt, and Sam Coleman, EPA’s acting regional administrator, toured the Tar Creek site last year as part of the Tribal Lands Forum conference in Tulsa.

Kelley described the Tar Creek cleanup as an “excellent example of the program should work,” citing the local, state, tribal and federal partnership.

During the roundtable, Pruitt also spoke to reporters about his agency’s effort during his first year to rescind and replace the contentious Waters of the United States rule put in place by the Obama administration and repeal of its Clean Power Plan, both of which should move toward culmination later this year, as well as his hope to address the “clear and present danger” posed by lead in drinking water.

Message

**From:** Gray, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=881C62B1E54142388C1DE2F8E3799C33-GRAY, DAVID]  
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**Subject:** Tulsa World: State auditor asks court to force him to release Tar Creek audit

[http://www.tulsaworld.com/homepagelatest/state-auditor-asks-court-to-force-him-to-release-tar/article\\_e204243c-e896-5d70-b526-83ece48df651.html](http://www.tulsaworld.com/homepagelatest/state-auditor-asks-court-to-force-him-to-release-tar/article_e204243c-e896-5d70-b526-83ece48df651.html)

## State auditor asks court to force him to release Tar Creek audit

State Auditor Gary Jones wants district court to force investigative report's publication;  
AG opposes move

- By Barbara Hoberock Tulsa World

OKLAHOMA CITY — Oklahoma State Auditor and Inspector Gary Jones has asked a court to order him to release an audit that the attorney general wants to keep confidential.

In November, a watchdog group filed suit against Oklahoma Attorney General Mike Hunter and Jones seeking the release of an audit concerning alleged unlawful contracting in the EPA's Tar Creek Superfund site.

The Washington, D.C.-based Campaign for Accountability filed suit in Oklahoma County District Court asking for the release of the investigatory audit done by Jones at the request of former Attorney General Scott Pruitt.

Pruitt left the office to become administrator of the Environmental Protection Agency. Gov. Mary Fallin appointed Hunter to fill the vacancy.

Pruitt asked Jones in 2011 for an investigative audit into suspected unlawful contracting practices of the Lead-Impacted Communities Relocation Trust.

The trust was formed to oversee the voluntary buyout of homes within the Tar Creek Superfund site in Picher and Cardin in northeastern Oklahoma.

The towns were polluted through years of lead and zinc mining.

Jones completed the audit and sent it in 2014 to the attorney general, who declined to make it public, despite Jones' request that he do so.

In declining to release the audit, Pruitt in 2015 said his office had concerns about "publication of unsubstantiated criminal allegations against private citizens."

In response to the lawsuit brought by the watchdog group, Jones asked the court to declare the public's right to access the requested records in accordance with the Oklahoma Open Records Act. Jones' response also asks the court to order him produce the requested records.

Jones said he believes Pruitt already made the records public when he released them to Andy Lester, attorney for the Lead-Impacted Communities Relocation Assistance Trust.

Meanwhile, Hunter responded to the lawsuit asking that it be dismissed, saying his office is allowed to keep the documents confidential.

Jones was acting as an agent of the Attorney General's Office when he did the audit, according to Hunter's response.

Daniel E. Stevens, executive director for the Campaign for Accountability, said Jones' response agrees with his organization's position.

"It is also notable Hunter and Pruitt have gone to lengths to keep the audit hidden," Stevens said. "It makes us wonder even more what is in there."

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ASSISTANT ADMINISTRATOR OF THE OFFICE OF ENFORCEMENT AND  
COMPLIANCE ASSURANCE, U.S. ENVIRONMENTAL PROTECTION AGENCY

TUESDAY, JUNE 13, 2017

U.S. SENATE

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:08 a.m. in  
room 406, Dirksen Senate Building, the Honorable John Barrasso  
[chairman of the committee] presiding.

Present: Senators Barrasso, Inhofe, Capito, Boozman,  
Wicker, Ernst, Sullivan, Carper, Whitehouse, Gillibrand, Booker,  
Markey, Duckworth and Harris.

Senator Barrasso. Good morning. I call this hearing to order.

Today, we will consider the nominations of three individuals to serve as members of the U.S. Nuclear Regulatory Commission: Kristine Svinicki, current member and Chair of the NRC; Annie Caputo, Senior Policy Advisor on this committee's Majority staff; and David Wright, President, Wright Directions, LLC.

We will also consider the nomination of one individual, Susan Bodine, Chief Counsel on this committee's Majority staff, to serve as Assistant Administrator, Office of Enforcement and Compliance Assurance, OECA, at the U.S. Environmental Protection Agency.

I applaud the President's nomination of such experienced Americans and dedicated public servants. The four nominees before us today are all well-qualified candidates. Three are well known to members of this committee and staff. One is not well known and that is why Senator Lindsey Graham is here today to bring to the attention of the committee the nominee from his home State of South Carolina.

Senator Graham, if it is okay with you, based on schedules, I would hope you could make an introduction at this time.

STATEMENT OF THE HONORABLE LINDSEY GRAHAM, A UNITED STATES  
SENATOR FROM THE STATE OF SOUTH CAROLINA

Senator Graham. Thank you, Mr. Chairman.

It is my pleasure to introduce David to you. We served together in the South Carolina House of Representatives for two years so I have known David for a long time. His mother, Irene, is with him. This is a big day for the Wright family. I want to thank the President for nominating David to the Nuclear Regulatory Commission.

He is a graduate of Clemson University. We celebrated their national championship yesterday at the White House. Go Tigers.

David has an incredible background in terms of the subject matter. He was on the South Carolina Public Service Commission from 2004 to 2013. South Carolina, per capita, has the most nuclear power of any State in the Nation. We are a pro-nuclear power State. I think David understands the issues surrounding nuclear power as well as anyone in the Country.

From 2008 to 2009, he was President of the Southeastern Association of Regulatory Commissioners. In 2011 and 2012, he was President of the National Association of Regulatory Commissioners. David understands the nuclear industry as well as anyone I know. The President chose wisely. Again, South Carolina's nuclear footprint is very large.

He has been a mayor, so he knows how to get along with people. If you are going to be a successful mayor, you have to make things win-win.

I could not recommend more highly to you David Wright. I want to thank the President. All of us in South Carolina are proud. He will hit the ground running because he knows the subject matter.

Thank you very much, Mr. Chairman.

[The prepared statement of Senator Graham follows:]



STATEMENT OF THE HONORABLE JOHN BARRASSO, A UNITED STATES  
SENATOR FROM THE STATE OF WYOMING

Senator Barrasso. Thank you very much, Senator Graham. We appreciate it. I know with a busy schedule, you probably have additional obligations. At this time, you are excused. Thank you for being with us today.

Of the nominees this morning, two have been previously reported by this committee and confirmed by the Senate by voice vote.

Ms. Svinicki has served as a member of the Nuclear Regulatory Commission for more than nine years, including the last six months as the Chair. She was confirmed as a member in 2008. She was reported by this committee by voice vote in December of 2007 and confirmed by the Senate by voice vote on March 13, 2008.

She was re-nominated to a second term in 2012. Again, she was reported successfully by this committee by voice vote and confirmed by the Senate by voice vote eight days later. She was designated as the NRC's Chair by President Trump in January 2017.

Before joining the NRC, Ms. Svinicki served in various staff positions in the U.S. Senate, including with the Armed Services Committee, where she concentrated on defense science and technology policy and defense related atomic energy

activities.

She also worked as a nuclear engineer at the Energy Department and as an energy engineer for the Wisconsin Public Service Commission.

She was honored with the Woman of the Year Award by the Women's Council on Energy and Environment in 2013 and the Presidential Citation Award by the American Nuclear Society twice, in 2012 and 2006.

Ms. Caputo has spent more than 20 years advising Congress and industry on nuclear energy matters. She has served as a policy advisor for this committee and for the House Energy and Commerce Committee for the past twelve years.

Before that, she worked for Exelon Corporation as a Congressional Affairs Manager. In 2013, the U.S. Nuclear Infrastructure Council honored Ms. Caputo with its Meritorious Service Award.

In response to Ms. Caputo's nomination, the vice president of the Clean Energy Program at Third Way, a think tank once labeled as "radical centrists" by the New York Times, stated of the nominee: "She has consistently worked with members on both sides of the aisle to promote effective nuclear regulation and is well-respected across partisan lines for her expertise, professionalism, and competence. Few people are more qualified to fill this role at the NRC."

Mr. Wright has served as member and chairman of the South Carolina Public Service Commission, as president of the Southeastern Association of Regulatory Utility Commissioners, and as president of the National Association of Regulatory Utility Commissioners. He is chairman emeritus of the Nuclear Waste Strategy Coalition, a group that includes State utility regulators and State attorneys general focusing on addressing nuclear waste policy matters.

He has served as a member of the South Carolina House of Representatives and as councilman and Mayor of the Town of Irmo, South Carolina. He has also owned and operated several different businesses and been honored with various awards.

Ms. Bodine served as Assistant Administrator for the EPA's Office of Solid Waste and Emergency Response from 2006 to 2009. She was reported by this committee by voice vote on July 20, 2005 and confirmed by the Senate by voice vote later that year.

She previously served as staff director of the House Committee on Transportation and Infrastructure, Subcommittee on Water Resources and the Environment, and as an attorney in private practice.

Today's nominees will fill critically important roles in protecting Americans' public health and safety. The Nuclear Regulatory Commission ensures that nuclear power plants, nuclear materials, and waste are handled and used safely and securely.

The EPA's role, specifically the one being discussed today, is responsible for enforcing our Nation's environmental laws, including the Clean Air Act, Clean Water Act and Superfund. The need for nuclear and environmental safety protection is bipartisan. We need to move quickly on these nominations.

Unless today's NRC nominees are confirmed by June 30th, the NRC will lose its quorum. This will degrade the NRC's collective ability to fulfill its mission of licensing and regulating the Nation's civilian use of radioactive materials to protect public health and provide for safety and security. The committee must act to restore the NRC to a full slate of commissioners expeditiously.

Similarly, the EPA does not have a Senate-confirmed Assistant Administrator of OECA. The committee must act to confirm this nominee to lead OECA quickly, so that our environmental laws are rigorously enforced so that polluters are held accountable.

I can think of no better candidate to take on the critical task of leading OECA and enforcing our Nation's environmental laws than Susan Bodine. Past EPA officials, notably from both Republican and Democratic Administrations, have praised Susan's nomination.

Mathy Stanislaus, a former Obama EPA Assistant Administrator, said: "Ms. Bodine understands both the internal

side of the agency and the proper balance of enforcement and would be a 'standup person.'"

Ben Grumbles, a former George W. Bush Assistant Administrator and currently the Maryland Secretary of the Environment, said: "She is tough and fair and committed to public service."

Elliott Laws, a former Clinton Assistant Administrator, said: "Bringing in someone with her knowledge of the agency and the issues facing it can only be a positive."

John Cruden, a former Obama Justice Department Assistant Attorney General for the Environment and Natural Resources Division, said: "Susan is dedicated to the rule of law, a lawyer with great integrity, and she understands the critical importance of effective and timely enforcement."

I will now turn to Ranking Member Carper for his statement.

[The prepared statement of Senator Barrasso follows:]

STATEMENT OF THE HONORABLE TOM CARPER, A UNITED STATES SENATOR  
FROM THE STATE OF DELAWARE

Senator Carper. Thank you, Mr. Chairman.

I want to start off by welcoming each of our four witnesses to today's hearing. I want to welcome your families as well, your spouses, sons and daughters, mothers and any other friends and family that might be in the room.

Several of our witnesses, Mr. Chairman, have talked about their core values and where they came from. They actually remind me a lot of ours. So, Ms. Irene, thank you for raising this kid and sending him our way.

Thank each of you for your past public service and for your continued willingness to serve in these new capacities. For Christine, it is not a new capacity, but to continue to serve. The jobs to which you have been nominated are very important to the health and safety of the American people.

Mr. Chairman, as we have discussed, I am concerned that we do not have parity in the Nuclear Regulatory Commission nominees before us today. It is critical for the Commission to have consistent leadership from both political parties, especially as the industry faces a challenging future.

I hope we can find a path, as we discussed, to ensure that the White House re-nominates Commissioner Jeff Baran and that the committee pairs consideration of his nomination with some or

all of the NRC nominees before us.

Having said that, Mr. Chairman, the minority members of this committee remain deeply disappointed, not with these witnesses or their families, but disappointed that the committee has not received complete written responses from Administrator Pruitt to eleven oversight letters that Democratic Members have sent the EPA this year.

In fact, we recently learned that the White House has instructed federal agencies not to respond at all to oversight requests from Senators who are not chairmen. Such a directive harms both parties and takes us further from the truth.

You do not have to take my word for it. Our colleague, Senate Judiciary Committee Chairman Chuck Grassley, sent a letter to President Trump just this past Friday admonishing the directive noting: "It harms not just the members who happen to be in the Minority party at the moment, but also members in the Majority party who are not currently chairmen. It obstructs what ought to be the natural flow of information between agencies and the committees which frustrates the constitutional function of legislating."

I am sure that my colleagues on both sides of this dais can agree that preventing Senators from performing their oversight responsibilities is simply unacceptable. In fact, this committee has a tradition of ensuring that oversight requests

receive responses as part of the confirmation process. I would like to share two short examples with you this morning.

First, in 2013, Republicans insisted on responses to five requests as part of former Administrator Gina McCarthy's confirmation process. The Republican Minority sought information on the agency's compliance with the Freedom of Information Act, the availability of outside scientific research, the use of economic analysis, and lawsuit settlements.

Republican members of EPW boycotted the first business meeting on Administrator McCarthy's nomination because they believed that the EPA had not been responsive to their requests. We may have another poster here. On that day, Mr. Chairman, you noted: "The new nominee to be EPA Administrator has been extremely unresponsive with the information we requested." You went on to add: "We're simply requesting that Ms. McCarthy and this Administration honor its commitment to transparency -- that's what they promised."

In order to help obtain this information, at that time, I personally called the EPA and implored the agency to respond to Senator Vitter and to the Republican members of this committee. Ultimately, EPA did so.

By the time the McCarthy nomination reached the Senate Floor, EPA had sent at least five letters and provided more than 1,300 pages of documents and data. In the end, after 136 days,



Gina McCarthy was confirmed without a filibuster.

Second, in 2009, Republican requests for information and economic analysis delayed Senate Floor consideration of Bob Perciasepe's nomination to be Deputy EPA Administrator for almost six months. Last Congress, I am told that Republicans sent at least 156 oversight letters to EPA's Air Office alone and that all of them received responses.

We have another chart that refers to EPA's 2015 responses. Additionally, in calendar year 2015, EPA received 884 letters from lawmakers seeking a response from the agency. That same year, EPA received 60 document requests from Congress and one subpoena. The agency also made EPA officials available to testify at 40 hearings.

In 2015 alone with all of those incoming requests, EPA, under Gina McCarthy's leadership, sent 276,510 pages of documents to Congress. One more time, that is 276,510 pages.

Colleagues, while our asks may not be welcomed by this Administration, I do not believe they are unreasonable, nor are they unprecedented.

Oversight should not be a partisan issue. As Senator Inhofe and then-Chairman Inhofe noted in 2015, lack of timely and complete responses from agencies "frustrate[s] Congress' ability to fulfill its constitutional duty to perform oversight of the Executive Branch." Mr. Chairman, I would say you were

right then and you are right today.

Absent a heartfelt commitment by EPA to provide complete and timely responses to our current information requests, I will find it very difficult to support moving forward with the consideration of any EPA nominees.

I do not make such a statement lightly, I make it with no sense of joy, but the nominations we are discussing today are important ones. They deserve our attention, just as our inquiries from the Minority side deserve the attention of this Administration.

Let me close by saying, the EPA's Office of Enforcement and Compliance Assurance is an indispensable "cop on the beat," safeguarding the public's health and our Country's environment. The office's actions drive reductions in toxic air pollution as well as the clean-up of our land and our waterways. Last year, I am told EPA's enforcement work required companies to invest \$13.7 billion dollars in such actions.

Turning to the NRC, following the lead of former Committee Chairman Jim Inhofe, Mr. Chairman, you and I have worked to strengthen the "culture of safety" within the U.S. nuclear energy industry for years.

In part due to our collective efforts, the NRC leadership, and the Commission's dedicated staff, the NRC continues to be the world's gold standard for nuclear regulatory agencies.

However, that does not mean we can become complacent when it comes to nuclear safety and our NRC oversight responsibilities, a perspective that I am certain is shared by every member of this committee.

In closing, I look forward to hearing how each of the nominees before us today will fulfill the responsibilities of the positions to which they are nominated. I hope they will share with the committee their commitment to ensure that these agencies remain vigilant and devoted to the protection of all Americans and that you will be responsive to the legitimate questions we may ask of you from time to time.

Thank you all for joining us today.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Thank you very much, Senator Carper.

As you and I have discussed, I believe the Administration should and has a responsibility to answer members' questions. The Obama Administration, I believe, went out of its way to avoid answering my specific oversight requests, responses that I never received and I found it very disturbing.

With respect to the committee's oversight function, I believe it is critically important. I agree the Executive Branch agencies must be required to respond to the committee's reasonable oversight requests.

I understand that so far the EPA, this is the Trump Administration, so far has received 416 letters and has answered 386 to date. That is only since January 20, 2017. That is what I understand and we will get the specific breakdown.

As Chairman, I am going to work to ensure that the Executive Branch agencies under the current Administration work diligently and expeditiously to respond to the committee's reasonable oversight requests in compliance with all laws, rules, policies, precedents and practices.

Senator Inhofe.

STATEMENT OF THE HONORABLE JAMES INHOFE, A UNITED STATES SENATOR  
FROM THE STATE OF OKLAHOMA

Senator Inhofe. Thank you, Mr. Chairman.

Let me just say that I appreciate the fact that I can say some things about two of my favorite people, whom I have worked with for a long period of time. I have to say this, by comparison with the responsive attitude they have always had, some of the other people did not look so good in the past.

Yet, we have watched people like Pruitt, for example, having gone through this thing and not only being grilled and asked questions to an unreasonable extent, but when it came time for his questions on the record, he had to endure 1,600 questions. That is unheard of. You guys are not going to have to do this. That would not be fair at all.

Let me say this. I have worked with both Annie Caputo and Susan Bodine for many, many years. I have noticed, Annie, you have your husband, AJ, with you, and your son, Owen. I see that cute little girl, hold your hand up. That is Abbey. I remember when Abbey was born. That is how long I have known these people.

Annie joined my EPW staff in 2007. Because her experience and expertise in the nuclear area is so well known, she has been called upon by members of the Democratic Party as well as the Republican Party. Her expertise was valuable to me in the

aftermath of the nuclear accident at Fukushima and in my work to ensure the NRC issued timely decisions on new nuclear plant licenses. Most recently, she has been central in developing the bipartisan Nuclear Innovation Act.

Similarly, Susan Bodine has been so valuable to me. As a staffer, she was the general counsel for our committee for the last few years. Prior to that, she had experience and tenure in the EPA during the George W. Bush Administration. She was critical to me and my staff when we worked on the famous Tar Creek Superfund site in northeastern Oklahoma. I think, at the time, that was the most devastating superfund site in America and we waded through that.

In the last Congress, Susan was a large part of the team that put together the FAST Act, the Water Infrastructure Act and the Chemical bill. In fact, we had a meeting at 12:15 p.m. every Wednesday with the leader of the Senate, Mitch McConnell and the chairmen of the committees. When my turn came, I would say, "Now a report on the committee that actually does things," and that is this committee. That is true. We did.

Susan will be an asset to the agency where she previously worked. She knows the laws that govern the EPA.

I thank you again for allowing me to speak on behalf of these two individuals that have served the committee and me so faithfully over the years.

[The prepared statement of Senator Inhofe follows:]

Senator Barrasso. Thank you very much, Senator Inhofe.

We would now like to welcome, congratulate and hear from our nominees. I want to remind each of you that your full written testimony will be made a part of the record. I look forward to hearing the testimony. We ask that you keep your comments to five minutes.

We will hear first from Ms. Svinicki. Please proceed.



STATEMENT OF KRISTINE SVINICKI, NOMINATED TO BE CHAIRMAN,  
NUCLEAR REGULATORY COMMISSION (REAPPOINTMENT)

Ms. Svinicki. Thank you, Chairman Barrasso, Ranking Member Carper, and members of the committee.

I am grateful to President Trump for nominating me to a third term of service on the Commission and was humbled by his request of me earlier this year to assume the role of the Commission's Chairman.

If the Senate acts favorably on my nomination, I would, once again, be privileged to continue this work, alongside my currently serving colleagues, Commissioners Baran and Burns.

I also congratulate my fellow nominees to the Commission and wish them well in this confirmation process. I know them both to be individuals of great capacity and commitment and am confident that, if confirmed, they will apply themselves in full measure to supporting the NRC's important mission.

According to those keeping records at the NRC, this is my eighteenth appearance as a witness before this committee; my third as a nominee. In light of that, the record of my views on relevant matters is well established.

With the exception of Senators new to the committee, it is likely that the votes I have taken and the positions I have established over this span of years provide adequate terrain for both agreement and disagreement with elements of my record.

I state with sincerity that my appearances before your committee and the exchange of sometimes pointed differences on issues have shaped me as a Commissioner. The members of this committee have routinely challenged me to examine all dimensions of the issues, to apply the highest rigor to my consideration of all matters, and to continue to stay open to new information and new insights.

These exchanges reinforce the importance of never becoming complacent in my work, of maintaining an inquiring attitude, and being mindful always of the full weight of the solemn responsibilities entrusted to me. If you honor me with your approval of my nomination, I commit myself to continuing to approach my duties in this way.

Of course, any contributions I have made to the NRC during my time there would not have been achieved without the hard work and commitment of the women and men of the NRC and their sustained efforts to advance the NRC's mission under the law, that of ensuring adequate protection of public health and safety and promoting the common defense and security.

Nearly 10 years into this journey, their commitment to this shared goal is what inspires and motivates me each day. Once again, I would like to take this opportunity to convey my personal gratitude to each of them for their contributions to whatever achievements I have had along the way and for their

engagements with me over the years, which have helped to shape and form my views on so many important matters before the agency.

Chairman Barrasso, Senator Carper, and members of the committee, thank you. I appreciate the opportunity to appear today and look forward to the committee's questions.

[The prepared statement of Ms. Svinicki follows:]

Senator Barrasso. Thank you so much for your comments.

Ms. Caputo.

STATEMENT OF ANNIE CAPUTO, NOMINATED TO BE A MEMBER OF THE U.S.  
NUCLEAR REGULATORY COMMISSION

Ms. Caputo. Thank you, Chairman Barrasso, Ranking Member Carper, and members of the committee.

I have been very thankful for the opportunity to work for Chairman Barrasso this year, continuing my service to the members of the EPW Committee under his leadership.

I am also grateful to President Trump for nominating me to serve on the Nuclear Regulatory Commission. Public service is a privilege. If the Senate confirms my nomination, I will be honored to serve and very humbled to serve with such esteemed fellow colleagues as Chairman Svinicki, Commissioner Baran, Commissioner Burns and, my fellow nominee, David Wright.

Before I begin, I would like to acknowledge my family. I want to thank AJ, my husband of 19 years, for his constant support of my public service and our children, Owen and Abigail, who are our greatest blessings and who assured me they would be on their best behavior today.

In preparing for today, I have spent time reflecting on what it would mean to take on the responsibility of the position of commissioner and how key experiences in my life have prepared me for such a role.

What I realized is several experiences closely echo the NRC's mission, values, and principles of good regulation.

First, my mother not only taught me right from wrong, but to distinguish between what is right and what is popular. This is a lesson that would guide me in the position to which I have been nominated.

It is a lesson I believe is well articulated in the NRC's Principle of Independence which states: "All available facts and opinions must be sought openly from licensees and other interested members of the public. The many and possibly conflicting public interests involved must be considered. Final decisions must be based on objective, unbiased assessments of all information."

Second, my brief service as a volunteer firefighter and emergency medical technician for the Snowmass Wildcat Fire Department showed me the importance of dedication to public health and safety, professionalism, teamwork, and the satisfaction of serving the community. It was here that the seed of public service was planted and took root. These are values that guide me to this day and are in keeping with the NRC values of commitment, respect, cooperation, and service.

Third, my first job after graduating with my nuclear engineering degree was with Commonwealth Edison in Chicago. At the time, half of their nuclear plants were on the NRC's "watch list" due to safety concerns.

A man named Oliver Kingsley took on the role of president

and transformed the organization's performance based on the principle that safety and operations are inextricably linked: that operations excellence depends on a dedication to safety.

If a nuclear plant is not maintained with disciplined focus on safety, it will not run well. Safety is first. That is what I learned from Oliver Kingsley and that is the mission of the Nuclear Regulatory Commission.

I have been privileged to serve in both the House and Senate for twelve years, the majority of my career. In these roles, I have been continually challenged by members to learn as much as I can. In doing so, I have seen the impressive expertise and professionalism of the NRC staff in action. I have no doubt the staff's caliber and commitment is why the NRC is considered the gold standard for nuclear safety the world over. I have much to learn and they have much to teach me if I am confirmed.

Lastly, members have directed me to seek out the best policy and to work with bipartisanship to accomplish their goals. These experiences have developed my ability to work collegially to find agreement among different views and to craft solutions by working together.

By sharing these experiences with you, I hope to provide you with insight into my character and how my values would guide my conduct as a commissioner, if confirmed. It is humbling to

be considered for such a serious responsibility. I would strive to execute that responsibility with integrity and professionalism, in a manner that earns the public's trust, and in keeping with NRC's mission, principles, and values.

I appreciate the opportunity to appear today and look forward to your questions.

[The prepared statement of Ms. Caputo follows:]



Senator Barrasso. Thank you so much for your comments.

Now I would like to turn to Mr. Wright. You are next.

STATEMENT OF DAVID WRIGHT, NOMINATED TO BE A MEMBER OF THE U.S.  
NUCLEAR REGULATORY COMMISSION

Mr. Wright. Thank you, Chairman Barrasso, Ranking Member Carper, and members of the committee for the opportunity to appear before you today.

I would be remiss if I did not also thank Senator Lindsey Graham for his kind introduction earlier.

I am humbled and honored to appear before you today as the nominee of the President to serve as a commissioner on the Nuclear Regulatory Commission. It is an honor and privilege, not just for me personally, but also for my family, my church, my community, my State, and all of the people I have worked and served with over the years.

Mr. Chairman and members of the committee, if I may, I would like to recognize my mother, Irene Wright, who is sitting behind me today. She gave birth to me on her 24th birthday and next month, we will both celebrate the 62nd anniversary of her 24th birthday. I will let you all do the math. She is truly one of God's angels living on this earth and I get to call her Mom.

June is a busy time of year for the Wright Family. My oldest daughter, Kimberly, is wrapping up her year as a kindergarten teacher. My second daughter, Courtney, works for the State of South Carolina. She and her husband, Ray, are

raising three wonderful children, my grandchildren.

Senator Boozman, my oldest son, Austin, is a nursing home administrator working in Cabot, Arkansas. I believe I shared that with you. My youngest son, Andrew, a rising college sophomore, is in his last week as a Young Life Summer Camp counselor at Sharp Top Cove in Jasper, Georgia. Although the rest of my family is not able to be here in person today, I can feel each of them and their support.

Mr. Chairman and members of the committee, if confirmed, I look forward to working closely with my fellow nominees, Chairman Kristine Svinicki and Annie Caputo, as well as Commissioners Steve Burns and Jeff Baran, in carrying out the NRC's mission of protecting public health and safety, promoting the common defense and security and protecting the environment.

I pledge to work closely with each member of the Commission in the spirit of collegiality. I believe we will work very well together. I look forward to developing a good working relationship with this committee as you also fulfill your important oversight role.

I have a broad and varied professional background in private business and in public life. Having been self-employed the majority of my adult life, I have also served in various elected positions in local and state government.

Although we are all shaped by the entirety of the events

and experiences in our lives, I am confident I find myself before you today because of my service on the South Carolina Public Service Commission. Since first elected in 2004, I served as a South Carolina Commissioner for nearly ten years, where I also had the privilege to serve as chairman.

During my tenure as a commissioner, in 2008, I was diagnosed with Stage 3 colon cancer. I had surgery and went through months of chemotherapy, but I did not miss very much time at the commission. It was during that time that I made the decision to do things I had not previously considered and to challenge myself in ways I might not have had it not been for that trial in my life.

As a commissioner, I was already active within the National Association of Regulatory Utility Commissioners, NARUC, where I was serving as chairman of the Subcommittee on Nuclear Issues and Nuclear Waste for three years. In June 2008, I was elected to serve as president of the 11-state Southeastern Association of Regulatory Utility Commissioners.

In 2011, following a year serving as First Vice President, I was elected by my fellow commissioners to serve as the President of NARUC, the highest professional honor of my life until today.

During my years as a commissioner, including my service in leadership roles at the regional and national levels, I have

been successful in building bridges and building consensus on issues, and in the creation and adoption of policy.

If given the honor to serve the Country in this position, I will approach my service as a commissioner at the NRC no differently. I believe my regulatory background at the State level, along with my experiences in business and elected office, provide a sound foundation for considering matters that will come before me as a member of the Commission.

If confirmed, I will approach my work as a commissioner with an open mind and in a collegial manner. I will listen to all parties and all points of view, seek clarification where needed, endeavor to establish a complete record, base my decision on the facts before me, and work to build consensus among the commissioners whenever possible.

Chairman Barrasso, Ranking Member Carper, and members of the committee, thank you for the opportunity to appear before you today.

[The prepared statement of Mr. Wright follows:]

Senator Barrasso. Thank you so very much for your  
comments.

Ms. Bodine.

STATEMENT OF SUSAN BODINE, NOMINATED TO BE ASSISTANT  
ADMINISTRATOR, OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE,  
U.S. ENVIRONMENTAL PROTECTION AGENCY

Ms. Bodine. Chairman Barrasso, Ranking Member Carper and members of the committee, thank you for the privilege of appearing before you today as the nominee for the position of Assistant Administrator for EPA's Office of Enforcement and Compliance Assurance.

I am honored that President Trump, Administrator Pruitt and this committee are considering me for this position.

I would also like to thank my family. They are not here today because they are all at work. They did come 12 years ago which was the last time I actually had a confirmation hearing before this committee. My sons, at that time, were 11 and 14. They are now 23 and 26. Thankfully, they are gainfully employed.

I would also like to thank my many current and former colleagues for their support and friendship.

I have worked on environmental issues for my entire professional career, as a practicing attorney, as a member of the professional staff of the Subcommittee on Water Resources and Environment of the House Committee on Transportation and Infrastructure, as a former EPA Assistant Administrator, and as a member of the professional staff of this committee.

If confirmed as the Assistant Administrator for OECA, I would bring with me an extensive background in the environmental laws that OECA enforces. I strongly support those laws and the goals of protecting public health and the environment.

I also would bring my past experience in managing an EPA headquarters office and my deep respect for the career staff who do the day-to-day work of implementing our environmental laws and carrying out the responsibilities that Congress has given EPA.

I appreciate that our laws are built around the framework of cooperative federalism. Under cooperative federalism, States and the Federal Government both have important and complementary roles in implementing our laws.

I also fully appreciate that we cannot protect public health and the environment unless the regulated community knows what they are supposed to do. Enforcement is a critical tool to achieve compliance. Compliance by everyone also creates a level playing field for the regulated community. By enforcing environmental laws, OECA helps to create that level playing field.

Of course, to comply with the law, the regulated community needs to understand what is expected of them. Sometimes our statutes and regulations are less than clear. OECA plays an important role in making sure that there is clarity and



consistency in how our environmental laws are interpreted, and providing assistance when the laws are less than clear. If confirmed, I look forward to working with the EPA program offices and States to provide that clarity and consistency.

Those who have worked with me know that I have a collaborative and inclusive approach to tackling complex environmental issues. For the Assistant Administrator of OECA, this means collaboration and coordination with States that are authorized to carry out federal laws. It also means collaboration and coordination with the EPA program offices that write the regulations and implement the statutes that Congress writes.

I also understand the need to communicate. That means not just talking but also listening. Communication with the environmental professional staff at EPA is an important managerial responsibility. Communication with State agencies is a critical component of cooperative federalism. Communication with the regulated community and environmental groups provides important feedback. Finally, communication with the public and Congress provides support for the agency's mission.

If confirmed by the Senate, I would embrace the responsibility for assuring compliance with environmental laws. I know we all share the goal of protecting public health and the environment. I know we share the goal of making environmental

regulations clear and understandable.

I am very excited about the opportunity to work with Administrator Pruitt as a member of his team to achieve those goals.

In closing, thank you for this opportunity. I look forward to any questions you or your colleagues may have.

[The prepared statement of Ms. Bodine follows:]

Senator Barrasso. I want to thank all of the nominees for your testimony.

Throughout this hearing and with questions for the record, the committee members will have an opportunity to learn more about your commitment to public service of our great Nation. I would ask throughout this hearing that you please respond to the questions today and those for the record.

With that said, I have the following questions to ask that we ask all nominees on behalf of the committee. I will ask each of you to respond individually.

Do you agree, if confirmed, to appear before this committee or designated members of this committee and other appropriate committees of the Congress and provide information subject to appropriate and necessary security protections with respect to your responsibilities?

Ms. Svinicki. Yes, I do.

Ms. Caputo. Yes, I do.

Mr. Wright. Yes.

Ms. Bodine. Yes.

Senator Barrasso. Do you agree to ensure that testimony, briefings, documents in electronic and other forms of communication of information are provided to this committee and its staff and other appropriate committees in a timely manner?

Ms. Svinicki. Yes.

Ms. Caputo. Yes.

Mr. Wright. Yes.

Ms. Bodine. Yes.

Senator Barrasso. Do you know of any matters which you may or may not have disclosed that might place you in any conflict of interest if you are confirmed?

Ms. Svinicki. No, I do not.

Ms. Caputo. I do not.

Mr. Wright. No, sir.

Ms. Bodine. No.

Senator Barrasso. I will not ask any questions because at this time I am going to reserve the balance of my time to be used during the hearing.

With that, I will pass to Senator Inhofe.

Senator Inhofe. Thank you, Mr. Chairman.

For the benefit of some of you here, we have a bit of a problem in that two of the other members seated to my right have the same problem I do. We are currently meeting at the same time with the Senate Armed Services Committee. In fact, we have Secretary Mattis as a witness, so we will have to go back and forth.

First of all, let me mention that I have been engaged in oversight for the NRC now for a number of years, since 1996. In 1996, I was made the Chairman of the subcommittee. At that

time, we had gone four years without any kind of an oversight. This is something you cannot do with any bureaucracy. You have to have oversight. We immediately started doing that and started anticipating and expecting response on a regular basis.

I will start with you, Ms. Caputo. If you are confirmed, will you commit to continue these reports and work with the committee on any revisions to improve their usefulness and also to respond to an oversight hearing on a regular basis?

Ms. Caputo. Yes, I will.

Senator Inhofe. Ms. Bodine, you mentioned OECA several times. I have been a bit disturbed by some of the measures that I would refer to as performance measures. For example, targeting a specific number of enforcement actions sounds like a quota to me. Does it sound that way to you also?

Ms. Bodine. That is an issue I would like to look into if I am confirmed as the Assistant Administrator. Enforcement is a tool. It is a critical tool, but it is not an end to itself. Our goal, of course, is compliance.

I want to sit down with EPA staff and look over the performance measures and make sure OECA employees are getting credit for their work, whether or not they take a formal enforcement action, because we all want compliance with the law.

Senator Inhofe. You would look into that anyway in that capacity if you are confirmed?

Ms. Bodine. Yes.

Senator Inhofe. That is what we expect.

Most of our superfund sites are cleaned up by private parties. We have had problems in the past with that. Can you discuss how OECA helps achieve getting these things done through the private sector?

Ms. Bodine. Yes. The superfund statute is a very forceful law. It does make sure that parties responsible for contamination can be held liable. OECA is the office that holds their feet to the fire and brings action against them so that private parties do clean up. They have been tremendously successful.

Senator Carper, you gave us the statistics from the commitments of cleanup work, over \$1 billion from last year. In addition, OECA collects funds and puts it into what we call special accounts so that private parties can pay money instead of doing the work.

Right now, we actually \$3.5 billion in special accounts that is there, available, not subject to appropriation and is available to carry out cleanup work at the sites in the cases where OECA has brought the enforcement action.

Senator Inhofe. Thank you, Ms. Bodine.

Lastly, Administrator Pruitt wants the EPA to embrace cooperative federalism. How does that apply to enforcement?

Ms. Bodine. In the enforcement context, in my view, that means respecting State interpretations of their own law. It means dividing the work between States and not taking duplicative enforcement actions. It means coordinating with States so we let States know when, for example, OECA enforcement officers are coming into their States to take action.

I would like to point out that just yesterday the Environmental Council of the States, the organization that represents the State Environmental Commissioners, put out a statement entitled, "Cooperative Federalism 2.0," which I guess is a white paper.

There they speak exactly to this issue and talk about how a State should be the primary enforcement authority for programs delegated to the States and have the ability to access federal enforcement authorities when needed or appropriate.

Senator Inhofe. Ms. Svinicki, I have no questions for you because you have been around a long time. I have always agreed with what you have done. I am just glad you are willing to continue doing this.

Mr. Wright, you are fairly new to me but you have a very interesting background. I think it is the kind of background that requires cooperation. It is something you cannot just have out there and command because you have to get along with the other side. I think that is a great asset that you have.

I will certainly look forward to working with you and your talents and building consensus. I think you are going to be of great value. Is there any statement you want to make about how consensus has served you well?

Mr. Wright. Thank you, Senator.

I do not believe I would have risen to the level that I did within the National Association of Regulatory Utility Commissioners had I not been able to work across beliefs, party lines, you name it, because it is a consensus organization. They do not do anything except by resolution and through the committee process.

You have to be able to work with people. That is a skill that is learned over time. I look forward to using that because I believe I have a certain skill set that will benefit the Commission.

Senator Inhofe. That is great. I look forward to working with you.

Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Inhofe.

Senator Carper.

Senator Carper. I am going to yield to Senator Gillibrand. I think several of us have other hearings.

Senator Gillibrand. Thank you, Ranking Member.

I am concerned that the NRC's decommissioning rule will



potentially set up a process by which the emergency planning zone and associated requirements for nuclear plants will be automatically reduced with a plant's shutdown operations while there is still fuel remaining in the spent fuel pool.

There is currently no maximum amount of time that fuel can remain in a spent fuel pool. A major driver for shrinking the emergency planning zone during decommissioning is the cost to the licensee.

My first question to the panel is, is it appropriate to factor the cost to the licensee into the decision on the size and scope of emergency planning activities, why or why not?

Ms. Svinicki. Thank you for the question, Senator.

As you know, the NRC has a rulemaking underway on this topic right now. It is my understanding that the staff analysis has not developed the draft rule yet but they have published something called a regulatory basis.

They are looking at sizing the emergency planning zone to the extent of the risk or hazard. I do not believe it is an economic analysis. If I am wrong about that, I can correct that for the record.

Senator Gillibrand. That would be great largely because if you have a pool of unspent fuel sitting 50 miles from New York City, it becomes a national security risk that is real. It also is an environmental hazard.

Does anyone else have further thoughts on that question?

Ms. Caputo. If confirmed, this is certainly an issue that I would like to look into and focus on and certainly be briefed by the staff.

Senator Gillibrand. I would be very grateful.

Mr. Dwight. I have nothing to add to what Annie just told you.

Senator Gillibrand. Susan?

Ms. Bodine. Not on that issue, nothing.

Senator Gillibrand. Thank you.

If anyone has a thought, should there be limits placed on the amount of time that spent fuel can remain in a spent fuel pool, particularly if you do have an environmental or national security issue?

Ms. Svinicki. Senator, again, thank you for that question.

NRC looks closely at the hazard posed in making these safety determinations, although it has been NRC's established position that spent fuel pool storage is safe and equally safe to the dry cask storage, the other alternative.

Senator Gillibrand. I think of safe as a measure of what. When you are looking at national security concerns and location, I think you have to maybe augment that definition of what is safe.

My second question is for Susan Bodine. It has been

reported that during your time as partner at the law firm of Barnes and Thornburg, you represented the plastics company Saint-Gobain.

As you may know, Saint-Gobain was responsible for polluting the drinking water in Hoosick Falls, New York with PFOA. The Saint-Gobain facility in Hoosick Falls has been proposed for listing as a federal superfund site. That proposed listing is still pending at the EPA. Could you please describe the work you did on behalf of Saint-Gobain?

Ms. Bodine. Thank you, Senator Gillibrand.

First, let me say that I would have no problem bringing an enforcement action against any company whatsoever, whether I worked for them in the past or not.

Second, I have never worked for the performance plastics company that you are referring to. I did work with a company called Saint Gobain Containers, headquartered in Muncie, Indiana. They make glass containers. For example, they have a facility in Milford, Massachusetts that makes 1.2 million beer bottles a day.

Their issue is that they wanted to increase the amount of glass that was recycled because if they use recycled glass instead of raw material, they can reduce their energy cost and their emissions. My entire representation for them was associated with encouraging recycling.

Senator Gillibrand. In your written testimony, you bring up the term "cooperative federalism" several times. How do you envision the EPA role versus the role of States in enforcing federal environmental statutes?

Ms. Bodine. As I mentioned earlier, many of our environmental statutes authorize or delegate to States the responsibility for carrying out those laws. I think we need to have close coordination with the authorized States to the delegated States so that we are not duplicating action and are both conserving our resources to the greatest extent.

That does not say that there is no role for OECA at all. Of course there are some matters that EPA and the Enforcement Office at EPA are uniquely qualified to carry out whether it is going after sector initiatives or companies with facilities in multiple States. It is more efficient to take an action that involves multiple facilities and criminal enforcement as well. EPA has unique capabilities in that area.

Senator Gillibrand. Finally, the Trump budget proposes to cut the funding of the Office of Enforcement and Compliance Assurance by 24 percent. What impact do you expect that will have on the ability of the EPA to hold polluters accountable?

Ms. Bodine. Again, I expect to work with the enforcement staff and with States to go after the highest priority and the most egregious polluters. States are going to implement the

day-to-day enforcement but EPA is going to maintain an enforcement presence, certainly create the deterrent effect, and take these high profile cases.

Senator Gillibrand. Thank you, Mr. Chairman.

Senator Barrasso. Thank you very much.

Before turning to Senator Ernst, I would like to introduce for the record a letter of support for Ms. Bodine's nomination from Stanley Meiburg, the EPA's Acting Deputy Administrator in the Obama Administration, supporting her nomination with the quote "Ms. Bodine's presence as a confirmed nominee will strengthen the voice of enforcement in that agency."

Without objection, that will be admitted.

[The referenced information follows:]

Senator Barrasso. Senator Ernst.

Senator Ernst. Thank you, Mr. Chair. Thank you, panelists and witnesses, for being here today.

Ms. Bodine, I have some questions for you related to how you will manage and conduct the Office of Enforcement and Compliance Assurance at EPA because I think this will be a crucial part of EPA's effort to win back the trust of many Americans.

As you know, regulations and their standards are not always clear. We can see that through WOTUS and so many other examples that are not always clear on what they require.

Do you believe it is part of EPA's job to make sure regulated parties, like farmers and manufacturers who want to comply, know how they can comply?

Ms. Bodine. Yes, Senator, I very much believe that is a role that EPA plays. That means that the Enforcement Office needs to work with the States and the EPA program offices so that we all have a consistent understanding of what the law requires and that we communicate that to the farmers, industry and municipalities.

Senator Ernst. Wonderful. Consistent understanding and communication, I love that. I think that is very, very important.

To briefly follow up, what do you believe should be the

primary goal of enforcement in addressing so many of our compliance problems? Do you believe it is EPA's role, not just to levy fines against people, but to also go in and assist them with actual compliance?

Ms. Bodine. The goal is compliance. The goal is not enforcement. Enforcement is not an end to itself; it is an important tool to make sure that our environmental laws are complied with. So, yes, compliance assistance is another tool and I think also a very important tool.

Senator Ernst. Very good because I believe if we are to solve any of our issues, we have to get to the root cause of the problem, that is assistance with compliance to make sure we all fall within that compliance and move toward the goal of those regulations.

Thank you very much. I yield back my time.

Senator Barrasso. Thank you very much, Senator.

Senator Carper.

Senator Carper. Senator Whitehouse was here earlier. He is a busy fellow this morning, so I am going to yield to him for whatever questions he would like to ask.

Senator Whitehouse. I thank the Ranking Member and I welcome all the witnesses. To the candidates who are here for the Nuclear Regulatory Commission, we have had our discussion already. I will not re-litigate any of those issues here.

We stand extremely ready to work with you to speed up the processes of the Nuclear Regulatory Commission so that next generation nuclear facilities can be appropriately brought on line here with, to me, the most particular and ultimate goal to find technologies that will allow us to turn our existing nuclear waste stockpile, which has to be a multi-trillion dollar liability on the books of the United States if properly accounted for, into an asset by allowing it to be used to create power, to create electrons.

In the meantime, I look forward to working with you to try to find ways to enable our safely operating nuclear plants, to continue to safely operate rather than shut them down because they are not adequately compensated for the carbon-free nature of their power. We said that already. We can keep going.

My concern mostly is with Ms. Bodine. I am sorry about the circumstance you find yourself in because I think that the Environmental Protection Agency has, in a nutshell, been captured by a corporate polluter raiding party and now is under the direction of agents of the big polluters that it was intended to regulate.

The founding fathers' word for this would, I think, have been corruption. Teddy Roosevelt would probably have had far stronger words. The polluter raiding party, I am sorry to say, can bet on zero oversight from the EPW Committee majority which



would not even require the incoming Administrator's disclosure of his conflicts of interest arising from his dark money political fund-raising operation.

Because dark money is a bizarre new phenomenon in our political world, this set of appointees was the first to raise this conflict of interest question. This committee fell down on its duty to get the requisite disclosure to understand what those conflicts of interest might be.

Therefore, I am very worried that the EPA will not do much enforcing of environmental laws during this Administration. As you know already, Ms. Bodine, Scott Pruitt's record on environmental enforcement is abysmal. He eliminated the Environmental Protection Unit in the Oklahoma Attorney General's Office; did not participate in the Oklahoma Environmental Crime Task Force which is predecessor led; could not list a single environmental enforcement achievement during his confirmation; and stopped reporting the enforcement that his predecessor had reported, including numbers of criminal investigations, federal and State environmental prosecutions, felony convictions of individuals, jail time, fines and other basic enforcement statistics.

If you are doing a terrible job, I suppose the first thing you want to do is get rid of the reporting. Refusing to release those statistics recurred again. He would not report even to us

during his confirmation, again, I think knowing perfectly well that the Majority was not going to require any information from him.

The agency you will come in to lead has an impressive history of enforcing environmental statutes. Let me ask, first, if you will continue the process of reporting that has been the tradition of that part of EPA?

Ms. Bodine. Yes, Senator, absolutely.

Senator Whitehouse. You will not follow the Pruitt model of closing the reporting to cover up the fact that there is no enforcement left?

Ms. Bodine. OECA has always issued its annual enforcement numbers. If confirmed, OECA will continue to release its annual enforcement numbers.

Senator Whitehouse. If you are told by the Administrator to go light or to back off or to take it easy or to let it go, how will we know that is taking place and how will we know that you did not say okay?

Ms. Bodine. Senator, I cannot accept that premise.

Senator Whitehouse. Okay. Change it to the President. What if the President tells you that? We know he said to let Flynn go. Why wouldn't he say let some polluter go?

Ms. Bodine. Enforcement has always been non-partisan and independent at EPA. If confirmed, I would make sure that

continued to be true.

Senator Whitehouse. One of the things people do when asked to do things that are inconsistent with their duties is to push back or resign. Would you be prepared to do that if the pressure from the Administrator was, in your view, inconsistent with the duties and obligations of the agency?

Ms. Bodine. Again, Senator, I cannot imagine that circumstance coming up, but, yes, I have my own integrity but so does Administrator Pruitt. I am not at all concerned that the circumstance would ever arise.

Senator Whitehouse. Wow, because that runs wildly contrary to his entire record.

My time has expired.

Senator Barrasso. Thank you very much.

I would like to point out to the committee that any questions relating to potential conflicts for Administrator Pruitt have been fully addressed by the Office of Government Ethics on January 17, 2017.

Walter Schaub, who is the Director of the Office of Government Ethics, responded to a letter from the Ranking Member and other EPW Democrats regarding Scott Pruitt and potential conflicts of interest, "If OGE, the Office of Government Ethics, has transmitted a certified financial disclosure report and an ethics agreement to the Senate, it means that OGE is satisfied

that all financial conflicts of interest have been identified and resolved.”

This follows Administrator Pruitt’s OGE financial disclosure report and ethics agreement that was transmitted to this committee on January 4, 2017. His letter states, “We,” the OGE, “believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.”

I ask unanimous consent to enter these two letters into the record.

Senator Whitehouse. I would object and ask unanimous consent also to enter into the record, along with it, the correspondence we have had with OGE about how the dark money operation was not actually considered by them and therefore, was never looked at and was not a part of that OGE response.

Senator Barrasso. Without objection.

Senator Whitehouse. Thank you. No objection then on my side.

[The referenced information follows:]

Senator Barrasso. Senator Sullivan.

Senator Sullivan. Thank you, Mr. Chairman.

I just want to make a few comments based on my good friend, Senator Whitehouse's comments. And he is my good friend and we work on a lot of things together, but we all agree that we need clean water and clean air. Really important, whether you are from New Jersey or Alaska or Rhode Island.

We also need an EPA that follows the law, that actually follows the law, reads statutes and follows the law. With all due respect to my colleagues on the other side of the aisle, there are many people in my State, Democrats and Republicans, that believe the last administrator of the EPA didn't follow the law at all. So one of the refreshing things about Administrator Pruitt is that he is going to follow the law. The EPA has to follow the law.

Would you agree with that, Ms. Bodine?

Ms. Bodine. Yes, absolutely, Senator.

Senator Sullivan. And I think, and you don't have to comment on this, but as a former AG who also sued the EPA, they didn't follow the law a lot, particularly during the last four years. So I think it is a breath of fresh air that we have a new administrator who actually wants to follow the law and work with States. If you are confirmed, will you commit to work with the States, States like Alaska or Rhode Island or New Jersey or

Illinois, to work with us to clean up hazardous sites, to clean up pollution, other things that are the core mission of the EPA?

Ms. Bodine. Yes, Senator, absolutely.

Senator Sullivan. Let me go into a specific issue that relates to Alaska. There was a hearing here recently on contaminated lands that we have with Alaska Native Land Claims Settlement Act. This is millions of acres of lands that were transferred to Alaska Natives. We had a very powerful witness just a couple months ago, Ms. Lukin, who is an Alaska Native, who talked about this kind of Catch-22 that Alaska Native corporations are in with regard to CERCLA requirements and the cleanup. They are being required to now clean up lands that were transferred to them by the Federal Government.

You are very familiar with this issue; we have talked about it. Do you care to comment on that briefly?

Ms. Bodine. Yes, Senator. Yes, I am familiar with that issue. Currently, EPA enforcement uses its enforcement discretion to not seek to compel the Alaska Native villages to clean up the lands because, of course, the contamination was caused by the Federal Government.

Senator Sullivan. Right.

Ms. Bodine. But right now it is an enforcement discretion policy, it is not statute.

Senator Sullivan. First of all, I think, Mr. Chairman, the

Ranking Member, my colleagues on the other side of the aisle, I actually believe there is a bipartisan sense that we can hopefully fix this from a statutory perspective on this Committee and in the Senate.

But, as we work through that, can you commit to me to continue that kind of discretion on an issue that would essentially bankrupt these companies through no fault of their own?

Ms. Bodine. Yes, sir.

Senator Sullivan. And would you commit to work with the Committee to help us try to maybe get to a place where the Administration and, in a bipartisan way, this Committee can work to craft a statutory resolution?

Ms. Bodine. Yes, sir.

Senator Sullivan. Let me turn to another issue. In Chicken, Alaska, I believe you are familiar with what happened to my constituents during a raid conducted by the EPA: assault weapons, body armor, the whole nine yards. It was like the U.S. Marines invading a rural community in Alaska, EPA officials armed with weapons to look for clean water violations that they never found. Are you familiar with that?

Ms. Bodine. Yes, I am.

Senator Sullivan. Do you believe that EPA should have agents that are trained to be armed when we have Federal



marshals or local, State, and Federal officials that can execute warrants or execute enforcement actions just as easily, better trained than EPA agents armed and coming in and scaring the heck out of law-abiding Alaskans who haven't done anything wrong?

Ms. Bodine. Senator Sullivan, if I am confirmed, I would like to review the guidance and policies for when EPA agents would be armed.

Senator Sullivan. Thank you. I had a bill that would disarm the EPA. The first 20 years of its existence the EPA had no armed agents. I don't think they need them now. I think it is a waste of taxpayer money and it encourages abuses like you saw in Chicken, Alaska. So I would like to work with you on that as well.

By the way, I think you are highly qualified. I think you are going to make an outstanding addition to the EPA's leadership. I look forward to voting for your confirmation.

Let me just ask a final question of our other witnesses. How can we assure that we continue the highest levels of safety with regard to our civilian nuclear energy capacity as we look to move forward and actually move forward on perhaps building new reactors that have the capacity to bring clean energy to our power generation for the United States?

Open up to any of the panelists who are up for confirmation on the Nuclear Regulatory Commission.

Ms. Svinicki. Thank you, Senator Sullivan. It has been my philosophy, in being a member of this Committee for nearly 10 years, that our safety determinations need to be rooted in the facts, in analysis, need to have rigorous cost-benefit analyses behind them, and be developed in a transparent way with stakeholder and public involvement; and I think that leads to the most informed decisions.

Senator Sullivan. Thank you.

Ms. Caputo. I think that history and that track record sets the stage for future reviews. I think timeliness and efficiency is one aspect of that so there is predictability for companies who may embark on development of advanced nuclear.

Senator Sullivan. Great. Thank you.

Mr. Wright. And I think vigilance. You have to pay attention to it every day, and don't accept anything at face value. You have to just review it all the time. Safety is number one.

Senator Sullivan. Thank you.

Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Sullivan.

Senator Carper.

Senator Carper. Thanks, Mr. Chairman. Let me yield to my time, at this point, to Senator Booker.

Senator Booker. I wanted to go really quickly here.

Chairman Svinicki, as my colleague said, it is really exciting; billions of dollars of investment, private investment, are really invested in advanced nuclear reactors. It is incredible. The next generation of reactors is going to be more safe, more efficient. I worry, though, the NRC has a lot of experience in licensing water-cooled reactors, but limited experience with advanced non-water-cooled designs.

Yes or no, do you think the NRC should move forward to a more technologically inclusive risk-informed regulatory framework for advanced reactor licensing?

Ms. Svinicki. Yes, and we have begun to develop that, but we have work yet to do.

Senator Booker. A lot of work, in my opinion. And I am grateful for the work you are putting in.

These advanced reactors, these sub-critical reactors, these advanced fusion reactors are, to me, very, very exciting. Do you believe, yes or no, that the NRC should subject these technologies to the existing regulatory framework design, or would you expect the NRC, instead, to quickly develop a more appropriate risk-based regulation for these types of inherently safer technologies?

Ms. Svinicki. Senator, we should move forward on the development of a new framework, but if a designer comes in and seeks approval now, although it might be inefficient, I think we

should try to get started. So we should do both at the same time.

Senator Booker. I am grateful for that. Just wanted to get that on the record.

Ms. Bodine, I just want to switch to you because I have a great degree of alarm at the state of our Country's environmental well-being, especially as it affects the poorest amongst us, minorities, Tribal communities. In fact, 50 years of research reveals that these minority, low-income and Tribal communities, are more likely to be exposed to really serious environmental contaminants, public health hazards.

I have begun to visit these around the United States of America and it is literally stunning, the condition of some communities, as you know. Even Reuters just released a report about lead poisoning with communities, over 1,000 communities having more than twice the lead poisoning blood levels than even Flint does.

And this is why I am really alarmed. You all will, in OECA, have EPA's environmental justice program which is charged with identifying these problems and health disparities for minority and low-income populations. That falls underneath the purview of OECA. So I was stunned with President Trump proposed to eliminate funding in 2018 for the Office of Environmental Justice. So I just have three quick questions.

One is, do you believe that there is a problem in America with certain communities that are adversely affected by outrageous circumstances of environmental injustice?

Ms. Bodine. Yes, I believe there can be adverse effects on low-income or minority populations.

Senator Booker. So, yes, there is a persistent problem with environmental injustice in this Country in certain communities. Yes, correct?

Ms. Bodine. Yes.

Senator Booker. All right. So, if confirmed, will you commit, in a Nation where we literally swear an oath, you and I, that we will be a Country of liberty and justice for all, will you commit to making environmental justice a top priority to alleviate the injustice going on in certain poor and minority communities?

Ms. Bodine. Environmental justice is important to all the EPA program offices, and the President's budget states that each program office will continue to incorporate environmental justice into their programs. That includes the enforcement program.

Senator Booker. And that will be a priority for you?

Ms. Bodine. Yes.

Senator Booker. Okay. I don't have much more time. Because if it is my children living in places with cancer

alleys, higher instances of respiratory diseases -- right now I live in Newark, New Jersey. We have Superfund sites in our community, at a time where there is no resources to clean them up. And I have seen the longitudinal data. I hope you have studied it. Children born in those areas, if you are a pregnant woman, 20 percent higher rates of autism, 20 percent higher rates of birth defects. It should be a priority and it should be an urgency.

So will you commit to me right now that your office will advocate within the Administration for the environmental justice office to remain funded at least at 2017 levels so we as a Nation can pursue, fight for, and establish environmental justice in our Nation?

Ms. Bodine. So that office hasn't always been located in OECA and, according to the President's budget request, the cross-program functions of that office are going to be carried out out of the Office of Policy and the Office of the Administrator. And each program office is going to continue to carry out their environmental justice functions.

I used to head up the office that carried out Superfund and RCRA, and we had environmental justice considerations very front and center in carrying out the decisions of whether it was Superfund or the hazardous waste sites.

Senator Booker. So you are telling me that you don't think

it is your purview to be pursuing environmental justice in these communities that are so adversely impacted?

Ms. Bodine. I didn't say that, Senator.

Senator Booker. So will you explain to me? Because I am going to have to vote on your confirmation, which I will not do unless I know you are going to be a champion for communities of color and communities of poverty.

Ms. Bodine. Yes, I will be a champion for communities of color and communities of poverty; and those functions are going to be carried out, under the President's budget, both in the program offices, which includes the enforcement office, as well as out of the administrator's office, which would, I assume, continue to support the advisory committee, as well as there is a tool that is called EJSCREEN that is a GIS-based tool that you can go and look and see where there might be populations that are either low income or are also minority populations.

To me, the most important component of carrying out these environmental justice responsibilities, is talking to people so that you know where there might be these disproportionate impacts, because our environmental laws are set to protect everyone, but there can be disproportionate impacts based on location, and we have a screening tool that allows us to examine that. We also need to talk to the communities so we understand what people's exposures are. That is something that is

important across the board.

Senator Booker. My time has expired.

Senator Sullivan. Thank you, Senator booker.

I would like to introduce for the record a letter from an Obama Administration EPA general counsel under Administrator Gina McCarthy, Avi Garbow, who writes, "Based on my experience, Ms. Bodine possesses a strong intellect, a keen understanding of environmental law and policy, and is respectful and responsive. She is a seasoned environmental lawyer and a skilled advocate."

I ask unanimous consent to enter this into the record. It is a June 12, 2017 EPA.

Senator Carper. I object. No, I am just kidding.

[Laughter.]

Senator Barrasso. Thank you.

Senator Carper. I don't object.

Senator Barrasso. You don't? Thank you.

[Laughter.]

Senator Carper. You have to liven things up here just a little bit. Loosen them up, anyway.

[The referenced information follows:]



Senator Barrasso. Question for the Nuclear Regulatory Commission nominees. The State of Wyoming is in the process of applying to become what is known as an agreement State in order to regulate uranium recovery. It is home to over 60 percent of the Nation's uranium production, and I anticipate Wyoming is going to submit its application sometime later this year.

If confirmed, will you ensure that the Commission gives this application fair consideration and makes a timely decision?

Ms. Svinicki. Yes, Senator, I will. And there is funding requested to support our part of that review in the Fiscal Year 2018 budget.

Ms. Caputo. Yes, I will, Senator.

Mr. Wright. Yes, sir.

Senator Barrasso. Thank you.

Senator Carper.

Senator Carper. Thanks, Mr. Chairman.

Let me yield to Senator Duckworth and thank her for coming today.

Senator Duckworth. I thank the Ranking Member. Thank you, Mr. Chairman.

I would like to start by submitting an op-ed co-authored by Mary Gade, former Administrator of EPA Region 5 under President Bush, and also Howard Lerner, from the Chicago Sun-Times for the record. It is called "Trump EPA Plan Endangers a Global Gem -

our Great Lakes.”

Senator Barrasso. Without objection.

Senator Duckworth. Thank you.

[The referenced information follows:]

Senator Duckworth. The article explains why eliminating or moving EPA Region 5 would be a grave mistake. As these authors describe it, closing the region would be "penny-wise and pound foolish, just like the flawed choice to seek short-term cost savings that resulted in the Flint contaminated water tragedy."

Ms. Bodine, I am interested in understanding your view on this. I know we discussed this during our meeting, but your answer focused on the process of closing offices, not on your opinions as an enforcer. Do you believe eliminating EPA Region 5 would improve or harm enforcement?

Ms. Bodine. Senator, I haven't seen any analysis that would support that. And as I observed to you in your office, Region 5 is a very large region. I also further note that there is no request in the President's budget for any funding to eliminate any regions.

Senator Duckworth. But given the size of Region 5, if it were eliminated, would it make it easier or harder to enforce rules and regulations that help protect our environment?

Ms. Bodine. So, again, without understanding how the resources would be picked up, I don't have an answer to your question.

Senator Duckworth. Okay. Well, I understand that you are not the --

Ms. Bodine. But I am also not aware of any plan. I am not

aware of any plan to close Region 5.

Senator Duckworth. So I am trying to figure out your view on this from a pure enforcement perspective. Would it increase or decrease enforcement if Region 5 were to be shut down?

Ms. Bodine. If all the resources were simply transferred to another region, it would be the same. But, again, I haven't seen any plan to do any of that.

Senator Duckworth. But you just said how large Region 5 is. If you move the EPA office for Region 5 somewhere else, the EPA certainly would not be able to respond rapidly to instances when they are needed. For example, we had tornadoes all throughout Illinois, and oftentimes EPA is among the first to respond. But if you shut down Region 5 and you moved it somewhere else, say Kansas or somewhere else, do you think that you could still respond adequately to any type of enforcement requirement?

Ms. Bodine. Some of our other large regions actually have separate offices, they have State offices, like the Montana office. Obviously, there is an Alaska office. Now, I would observe that maybe that would be less efficient if we had to open up other offices but, again, my assumption would be any plan, and again there is none, but if there were to be a plan, it would have to examine all of those issues, including that very valid issue you just raised about response time.

Senator Duckworth. Well, I will certainly hold you to that.

As the chief enforcement officer, you will be responsible for setting the enforcement goals for the Agency, and this Agency is tasked with safeguarding communities against pollution. What goals will you set and what areas do you think would demand your attention?

Ms. Bodine. Thank you, Senator Duckworth. As I said earlier in response to Senator Inhofe, I want to look at the performance measures because I want to help focus on outcomes. So I want to sit down with the enforcement staff at EPA and talk about what goals they think would be appropriate to achieve the environmental outcome; that is compliance, that is reduction in pounds of pollutants, that is pounds and cubic yards of waste that is being cleaned up. Those type of outcome measures are ones that I would like to focus on.

Senator Duckworth. So how would you be able to achieve those types of measures, those types of goals, with the diminished resources that the Trump Administration is proposing; budget cuts, hiring freezes, regional office closures? How would you be able to do your job?

Ms. Bodine. Again, EPA's enforcement is going to be working with the States and, if confirmed, I would want to work with the States to make sure that they are carrying out the base

programs and that EPA would be focusing on the larger cases, the cases where they have facilities crossing State lines, the criminal enforcement cases, again, targeting the most egregious cases, targeting the cases with the greatest return. And by taking those actions it still creates an enforcement deterrent because EPA is out there taking these actions.

Senator Duckworth. So you basically are saying you are going to hand over many of those routine functions, say, to make sure that there is no lead in the water supply onto the States. That didn't work out very well in Michigan at all. In fact, it failed miserably, and there are children now living with long-term effects of that, and I don't think that is acceptable.

Ms. Bodine. So you are describing what is already true under our statutes. A State like Michigan, for example, is a primacy State under the Safe Drinking Water Act and does have primary enforcement responsibilities. EPA has a responsibility to make sure that States are carrying out those functions. There is something called the state review framework, where EPA and the States get together and they evaluate the other States.

Senator Duckworth. But that obviously failed in Michigan and obviously it did not work. EPA had the ability to step in and stop what was happening in Flint and did not, and failed to do so. And I have Galesburg, Illinois, that has lead in the water supply right now. We have lead in water in Chicago, and I

am fearful that EPA, under you, is not going to do its job in regulating and making sure that we hold people accountable.

Ms. Bodine. May I respond, Senator? Flint wasn't a normal situation, and, if I am confirmed, I would want to make absolutely certain that the EPA staff who are enforcement staff in the regions, as well as the headquarters, that if they see a situation like that where, as you point out, it was a tragedy, children were being affected by lead, that they need to report up, because we need to know about it.

Senator Duckworth. My problem is that the Trump Administration cuts the budget to have those staff on the ground, so you won't have anybody there in order to do that.

I am way over time, Mr. Chairman. I apologize. I yield back.

Senator Barrasso. Thank you, Senator Duckworth. I appreciate your comments.

I had a question for the Nuclear Regulatory Commission nominees. I would like each of you to tell me what you think the biggest challenge is today for the Nuclear Regulatory Commission, what it currently faces and how, if confirmed, you would address it.

Ms. Svinicki. I would, in this moment, identify that enhancing our agility is a significant challenge for the agency. When I joined the Commission in 2008, there was an envisioned

nuclear renaissance. Many new reactors were envisioned being under construction, and it is hard, in a large organization, when we don't face those circumstances today, to size ourselves and adjust our processes for the energy system that we have today, not the energy system that the United States predicted 10 years ago. So, as an agency, we need to be able to resource and size ourselves in an agile way.

Senator Barrasso. Ms. Caputo?

Ms. Caputo. I would agree with that. One of the challenges I think that we have watched certainly here in this Committee is, like the Chairman said, the shift from burgeoning growth in the industry to now a decrease, and yet we will see more change coming as advanced reactors blossom and develop and begin to seek licenses at the agency. So, as she said, agility and being able to position staff to manage those workload changes I think remains the biggest challenge.

Senator Barrasso. Mr. Wright?

Mr. Wright. I totally agree that right-sizing the agency and streamlining is important. Obviously, we need to make sure that our human capital is used the right way and that we have the right expertise to do what we need to do.

Senator Barrasso. Senator Carper.

Senator Carper. Thanks, Mr. Chairman.

Senator Markey has been in and out several times.



Senator Markey, why don't you go ahead?

Senator Markey. Have you gone yet?

Senator Carper. Go ahead, go ahead.

Senator Markey. I appreciate it. Thank you.

Let me start with a major issue facing the Nuclear Regulatory Commission: how to ensure the safety of spent nuclear fuel. According to an article in Science Magazine by physicists from the Union of Concerned Scientists and Princeton University, the NRC has drastically underestimated the risks from a fire at a spent fuel pond. The NRC's analysis has underestimated both the probability of a spent fuel fire and its consequences. As a result, the NRC has understated the benefit to the public of moving fuel from risky pools over to safer, dry cast.

One of the Princeton authors of the new study ran a simulation of the area that could be irradiated by a spent fuel pool fire at the Pilgrim Power Station in Massachusetts if such a fire occurred under summer weather conditions when beach season is getting started. As you can see from the orange contour, the impact of that fire would be devastating. Across Massachusetts, Rhode Island, Connecticut, the consequences of such an event would be absolutely catastrophic.

The scientists who did the analysis indicated that the cost of the fire could be upwards of \$2 trillion nationally, an

economic disruption. By contrast, the Nuclear Regulatory Commission's estimate of the financial consequences was 20 times less. And the Commission used that estimate to dismiss the benefit of dry cast storage, which would only cost \$50 million per reactor.

So, by dramatically reducing the cost that would occur if such a fire did hit a nuclear power plant, the NRC, in its cost-benefit analysis, is able to avoid forcing the utilities to move from the spent fuel pools over to dry cast.

Do any of you disagree that the NRC should apply state-of-the-art science when making decisions about safety?

Ms. Svinicki. Senator, of course I am in agreement that the correct science should be applied. The NRC staff has done a quick review of the article that you referenced. They have looked at whether it presents different scenarios that were unanalyzed by the NRC. They did not identify anything in this preliminary review, but their look is ongoing, so if I may respond for the record if there is additional comparative details that they can provide.

Senator Markey. Well, it is a pretty blistering, scalding indictment. It basically concludes that there was an underestimation of the time to clean up after that kind of contamination hit such an area; it failed to account for the risk of a terrorist attack at a nuclear power plant that would

seek to ignite a fire with these spent fuel pools; and it actually failed to consider the economic consequences broadly of what the impact would be, including after Fukushima, the shutdown of nuclear power plants, whether or not that same thing would occur in our own Country.

So your staff has not done you a good service if they have evaluated the article and not come back, then, with the analysis of these vulnerabilities that have been identified by the Princeton scientists in the evaluation done by the Nuclear Regulatory Commission.

Have you had a chance to read that Science Magazine article?

Ms. Svinicki. I have not, Senator.

Senator Markey. Have any of you read the Science Magazine article?

Ms. Caputo. I wasn't aware of it.

Senator Markey. Well, again, this just goes to the whole issue of what the impact is, ultimately, on an area when a fire like that could occur. So I recommend to you that you read it, because I am going to keep coming back on it in terms of the impact.

Ms. Bodine, last year I did a report entitled "The ABCs of PCBs, A Toxic Threat to America's Schools." We have up to 14 million students nationwide, nearly 30 percent of America's

school-aged population may be exposed to PCBs for hours every day in their schools. In the President's budget, President Trump cuts the budget by 34 percent to be able to deal with these issues.

How will it be possible, Ms. Bodine, for the Trump Administration to deal with this kind of exposure to PCBs of students in cities and towns all across our Country if there is a 34 percent reduction in the EPA budget to be able to ensure that there is compliance?

Ms. Bodine. Senator Markey, if confirmed, I would look into the issue you are raising about the PCBs in schools and, again, as I said earlier, OECA, the Federal EPA enforcement is going to continue to focus on cases with the most impact. That might be one of them. And the delegated States, authorized States are going to carry out the core basic mission, which they are already doing. ECOS likes to put out the statistic that 96 percent of the environmental statutes and work is being carried out by States already.

Senator Markey. Well, here President Trump is going to make sure that children in schools all across the Country are going to be more exposed to PCBs in their classrooms, and saying to States and local communities good luck, you take it over. The EPA had responsibility. So to the extent to which there is a 34 percent reduction in the Trump EPA budget for that issue,

you can be sure that the States will try to intervene, but the reason there is a Federal program is because it is so pervasive, so hard, and actually part of a policy back in the 1950s and 1960s, all the way up to 1979, when PCBs were kind of given a free pass. And I blame the Federal Government on that, which is why we had to upgrade the Toxic Substances Control Act last year.

Mr. Chairman, I want to compliment you, Mr. Chairman, on the rewrite of TSCA last year, but this 34 percent cut in this budget is just disgraceful. It really is going to put children all over our Country at great unnecessary risk that could have been avoided if the President didn't cut that budget for children to be protected.

Mr. Chairman, I have other questions for the witnesses that I will submit to you for the record and with my hope that the witnesses will answer them. Thank you, Mr. Chairman.

Senator Inhofe. [Presiding.] Thank you, Senator Markey.

Senator Carper, let me put four things into the record.

Senator Carper. Go right ahead.

Senator Inhofe. So I won't forget.

Ask unanimous consent a June 12, 2017 EPA press release that includes statements in support of the EPA nominee from six Democrats, six Republicans, and two association leaders.

Without objection.

The six letters in support of the EPA nominee, two letters in support of the NRC nominees, one statement for the record from Senators Heller and Cortez Masto. Without objection, I ask that they be made a part of the record.

[The referenced information follows:]

Senator Inhofe. Senator Carper.

Senator Carper. Thanks, Mr. Chairman.

I know several of my colleagues have drilled down on the question of funding for EPA, particularly funding for the efforts of the agency that you would lead if confirmed, Ms. Bodine.

I asked my staff to go back and to share with me, and I will share with you, what happened to EPA funding overall in the last Administration. Some people would say, well, it probably went up. Well, it didn't. In fact, it was reduced overall for those eight years by about 20 percent, about 3 percent a year, something like that. So this Administration has not inherited a robust budget level of funding for EPA.

The Administration would further reduce overall in their budget proposal funding for the EPA by about a third overall. For the agency that, if confirmed, you would lead, reduction would be about another roughly 24 percent. And the States in this program are what we call a policy of cooperative federalism, the States who share responsibility with the Federal Government on making sure the environment is clean and safe. This Administration would reduce the budget for the States to do their share by almost half.

Now, that may not concern you. As a former governor, it concerns me. It concerns me. We are talking basically by

reducing by half over the last 10 years, 9 years, reducing by half the resources available to do the job in your agency, and also by half for States to do their share in enforcement.

Does that trouble you? Does that concern you?

Ms. Bodine. So I don't believe that the State cooperative federalism grant budget is being cut in half. I don't have the exact number in front of me.

Senator Carper. I believe it is 44 percent. Forty-four percent.

Ms. Bodine. I will have to look at those numbers.

Senator Carper. Can't make this stuff up.

Ms. Bodine. I would point out that the environmental counsel of the States, their report on cooperative federalism that they issued yesterday, they point out that they are calling for a recalibration of State and Federal roles, and they say that that can lead to more effective environmental management at lower cost.

Senator Carper. We are going to move off of this, but this is a source of real concern, certainly to our side of the aisle, and we will come back to this later.

You were all asked three questions before you testified, and one of the questions you were asked, I think it was the second question asked, was, do you agree to ensure the testimony, briefings, documents, and electronic and other forms



of information are provided to this Committee and its staff, and other appropriate committees, in a timely manner? Each of you said yes. Each of you said yes. I want to take you at your word. I know a couple of you pretty well. I know Ms. Svinicki very well, have a high regard for her.

But I am going to come back and sort of ask that question, Ms. Bodine, in a different way. You are a current Senate staffer and one who is, I think, highly regarded.

I am troubled in this situation. I think other folks on our side are troubled. I think Republicans would be troubled if we had a situation, if they faced a situation, our Republican friends faced a situation where Democrats were a majority in the House, majority in the Senate, and also had the presidency, the White House, and our Republican friends wanted to get their questions answered from this administration, from a Democratic administration; and that Democratic administration basically would put out direction from the administration to say you don't have to respond to the minority. You don't have to respond to the minority.

How do you think the Republicans would take that? You have been around here for a while. How do you think they would take that?

Ms. Bodine. I have worked for Congress for thirteen and a half years in my career, and I have deep respect for the

oversight responsibility of Congress. If confirmed, my bias would always be to respond to any member of Congress, whether the majority or the minority, and certainly would not see that there would be any change in practice from EPA.

Senator Carper. I don't have much time left. One second. I hope the Chairman will be generous with me.

He cares a lot about oversight. I do as well. When you have one team, whether it is all Democrat or Republican, whoever is on the outs, whoever is in the minority, they are more likely to do real oversight.

There is almost an inclination if you happen to be Republican, the White House, the House and the Senate are all Republican, there is less of an inclination to do the kind of tough oversight that is needed, and it falls to the minority. And when the minority can't have our questions responded to, as has turned out to be the case repeatedly here, and especially when the White House itself says don't answer those guys, you don't have to answer those guys, that is deeply troubling, I think for any of us. I don't care what party we are part of.

Let me ask a question, if I can. I will come to the Chairman of the NRC, if I could. A lot of questions have been asked of you already. Is there a question that we should have asked, that we should have asked that hasn't been asked? Is there a question that you think ought to be asked that hasn't

been asked? I have several more, but what do you think?

Ms. Svinicki. I don't know that it is a very good strategy for me to propose a question that is particularly tricky, because the tricky questions are the ones you should be asking, but maybe why I am here for a third term, which I never could have conceived of, to tell you the truth, Senator. But I have developed a strong commitment and devotion to the NRC and its people. Candidly, this is a town of great opportunity if you are a hard worker, but I couldn't think of anything that was a better application of what I know right now.

So, again, if the Senate acts favorably on my nomination, I am very, very honored to continue. I have had some friends and family question my sanity, but I am very committed to this work if I am allowed to continue.

Senator Carper. Well, Senator Inhofe and I have sat here in these seats in the past, and you sat there, and we have watched some very, very difficult questioning and a lot of, frankly, discomfort among the five NRC commissioners, and things seem to have, I will say, quieted down and there seems to be a more collaborative willingness to develop consensus. How do you explain how this has happened?

Ms. Svinicki. I don't know, but I would observe that we appear to be bucking the trend. I think that we have, again, people of strong care and commitment. We had another Senate

hearing last week and Senator Alexander remarked upon he observed from the dais the same collegiality amongst the serving members of the Commission. I indicated that to us collegiality is separate and distinct from agreeing, necessarily, on any particular matter; that collegiality is the overriding behavior, and we may disagree on individual matters, but collegiality is the imperative, and I think it is a shared value.

Senator Carper. Mr. Chairman, I was out in California during the Memorial Day recess and met with a bunch of companies out there between San Francisco and San Jose doing exciting and interesting things with technology and innovation and job creation. I asked one of the big electric utilities out there, I said, where do you see growth? Because that particular utility, PG&E, they are actually providing a lot of incentives for their customers, business and otherwise, to use less electricity.

I said, how do you consider your stay in business and be profitable. You know what they said? They said there is, over the horizon, a huge demand for electricity that is going to come from electric vehicles. Electric vehicles. And I was at a place where they were making buses, huge buses that carry like 50 people, and they go 300 miles between charges. Three hundred miles.

So there is a huge, going to be, I think, growing demand

for electricity, actually part of the vehicles, trucks, and buses that they would ride in, and I think, in order to meet that need, part of that generation of electricity has to come from nuclear; and we are seeing one plant after the other after another close and be noticed for foreclosure.

As we all know, nuclear doesn't put out any sulfur dioxide or nitrogen oxide or carbon dioxide, no mercury; and it has to be part of our solution, and we just want to work with you to continue to address that need and to make sure that nuclear is an important part of the mix.

Mr. Chairman, I would like to submit for the record, if I could, a survey done by the National Association of Clean Air Agencies, which shows State agencies are deeply troubled by the Trump budget cuts, and it will impact what States can do in regards to clean air. I ask for unanimous consent.

Senator Inhofe. Without objection.

[The referenced information follows:]

Senator Carper. Again, we thank you all for being with us today. Especially thank your families. Annie, I would just say that your children have been very well behaved and your husband unusually well behaved.

Ms. Caputo. Thank you.

[Laughter.]

Senator Carper. We applaud them all.

Thank you very much.

And let me just say to your mom, Mr. Wright, David, Ms. Wright, my mom and her mom were born on the same day. Same day, August 18th. I always called my mom on her birthday, but I always call my mom on my birthday, too, which is January 23rd, just to thank her for bringing me into the world. Those are some of the most memorable conversations I think I have ever had.

Mr. Wright. I agree.

Senator Carper. Thank you.

I want to thank your mom for having your back today.

Mr. Wright. She has always had my back. I brought her as my body guard today.

Senator Inhofe. Well, let me just make a comment.

I do agree with a couple of the things that my good friend, Senator Carper, has said, and I disagree with some, obviously. One of the things I have learned, and we talked about this a

couple hours ago, was the first subcommittee that I chaired was 1996, and it was this subcommittee, and the subcommittee, at that time, was relieved that they were actually going to get oversight. You don't expect that, really, from a bureaucracy. But they had had no oversight for four years, so they really didn't have any direction. It was as if nobody cared and no one was looking.

Right now it is a different environment altogether. I think people realize that this kind of resistance to nuclear energy that has been out there has been overcome to a great extent. It is going to have to be part of the mix. When I have said all of the above, it has always include that. By the way, we do have some deadlines that we have to meet so that we will be able to continue our operations.

Is it all right if I go ahead with our final remarks?

Well, if there are any more questions for today, members may submit follow-up written questions for the record. They are called QFRs. We are not talking about 1,600 like Pruitt had to go through, but questions for Ms. Svinicki by the close of business today, Tuesday, the 13th of June. Ms. Svinicki should respond to those questions by close of business tomorrow, Wednesday, June 14th.

With the agreement of Ranking Member Carper, I am expediting the QFR process regarding Ms. Svinicki's nomination

because the Committee will vote on her nomination this Thursday. By reporting her quickly, it is our hope that we can expedite her confirmation through the full Senate so that the Nuclear Regulatory Commission does not lose its quorum when her current term expires at the end of June.

Senator Carper. Mr. Chairman, just for clarification, how long would she have to respond?

Senator Inhofe. I am going to go back and reread this, because this was an agreement that the Chairman that I am sitting in for right now came to.

Senator Carper. Our staff says one day, so that would be like noon tomorrow? Close of business tomorrow. Okay, we are fine with that.

Senator Inhofe. It is my understanding that was an agreement that was had.

Senator Carper. Sounds good.

Senator Inhofe. Members may also submit follow-up questions, follow-up written QFRs for Ms. Caputo, Mr. Wright, and Ms. Bodine by close of business this Thursday, June 15th. The nominees should respond to those questions by close of business the following Thursday, June 22nd.

All right, I want to thank the nominees for their time and their testimony today, and we are adjourned.

[Whereupon, at 11:50 a.m. the committee was adjourned.]





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF INSPECTOR GENERAL**  
1445 ROSS AVE, ROOM 9E13  
DALLAS, TX 75202

**CASE #:** OI-DA-2012-CAC-0114

**CROSS REFERENCE #:**

**TITLE:** ARRA SF: TAR CREEK/LICRA TRUST QUI TAM

**CASE AGENT:** [REDACTED]

**MEMORANDUM OF ACTIVITY**

**NARRATIVE:**

During the period of January 7 – 23, 2013, SA [REDACTED] completed the following summary of investigative activity and findings for the purpose of assisting RON GALLEGOS, Assistant United States Attorney, Western District of Oklahoma, Oklahoma City, OK, in making a determination as to whether or not to join in the Qui Tam Lawsuit.

**BACKGROUND**

On May 15, 2012, SA [REDACTED] received Hotline Complaint 2012-139 pertaining to a Qui Tam complaint filed under seal on April 26, 2012. The complaint was filed by two complainants alleging a conspiracy to defraud the United States Government through the submission of False Claims and False Statements. In 2009, an EPA American Recovery and Reinvestment Act (ARRA) funded grant, in an amount exceeding \$15M, was awarded to the Oklahoma Department of Environmental Quality in (ODEQ). The purpose of the grant was to provide funding to the Lead Impacted Communities Relocation Assistance Trust (LICRAT or “The Trust”) to complete the home buyout and relocation project involving all residents living in the Picher, Cardin, and Hockerville, OK, areas. The project included demolition and debris removal of all homes which had been purchased. The Trust subsequently received a grant from ODEQ upon which they advertised and awarded a series of subcontracts for the work required to complete the project. The complainants allege that certain individuals conspired and worked in concert with each other to submit false claims for work which was either never completed or not allowed under the grant.

**HISTORY**

On August 31, 2004, the State of Oklahoma established the Trust for the purpose of relocating families in highly contaminated areas of the Tar Creek Superfund Site. These areas consisted primarily of the towns of Picher and Cardin, OK. In 2009, President Obama signed into law, the ARRA. Under ARRA, a grant was awarded to the ODEQ, for pass through to the Trust sighting relocation families within the “affected zone” to include demolition, debris removal, and restoration of the property to a more natural state. The “affected zone” was defined as those areas which were most likely to experience subsidence (land sinking) as a result of the

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underground mining activities which had occurred in the area. The “affected zone” was comprised primarily of the towns of Picher and Cardin, OK.

Subsequently, upon receipt of the funds, the Trust awarded a contract to TWIN BRIDGES, Alexandria, LA, [REDACTED] submitted the lowest bid based upon the concept that [REDACTED] would relocate and restore the nicer homes into an unaffected, uncontaminated area and resell them. [REDACTED] excessively underbid the contract expecting to make [REDACTED] profit on the sale of the homes. The contract included the demolition and restoration of properties in the towns of Picher, Cardin, and Hockerville. Also included in the contract was a requirement to fill an extensive subsidence area (sink hole) in Hockerville and then build a cap over the fill to return the land to a more natural state. During the period of time in which [REDACTED] held the contract, [REDACTED] failed to complete even 10 percent of the work required. Accordingly, after attempting to work with [REDACTED] for approximately 2 years, the contract with TWIN BRIDGES was terminated for default.

Following the termination of the TWIN BRIDGES contract, the Trust became aware that they needed [REDACTED] in construction, demolition, debris removal, and restoration. The members of the Trust were volunteers with no experience relevant to this project. As such, the Trust engaged the services of [REDACTED]. The Trust then issued a new RFP with [REDACTED]. Because of the experience with TWIN BRIDGES, this new RFP included certain criteria for quality control, time management, and progress. A quality control grading sheet was developed as a means to determine the responsiveness to bid requirements as well as capabilities to perform the job. The contract was subsequently awarded to [REDACTED] BACKHOE, DOZER & TRUCKING, Miami, OK, as [REDACTED] was the only entity deemed to be responsive since their bid was the only one to contain all the requirements.

After the award to [REDACTED], a competing contractor, DT SPECIALIZED SERVICE, Catoosa, OK, filed a lawsuit in district court based upon the Trust’s failure to meet certain state mandates during the award process. Ultimately, the court found the Trust failed to comply with the State of Oklahoma’s Open Meeting Act and as such, the award to [REDACTED] was vacated.

During the court proceedings, [REDACTED] was given the authorization to proceed with work at which time, they and their subcontractors processed approximately 37 properties. Unfortunately, during this time, the Trust became aware that [REDACTED] was unable to obtain the required performance and payment bonds. As a result [REDACTED] assigned all rights and responsibilities for performance under the contract to their subcontractor VISION CONSTRUCTION AND PROJECT MANAGEMENT, INC. (AKA: CWF ENTERPRISES), Grove, OK. After the contract was vacated by the court, the Trust had no mechanism under which VISION/CWF could be paid for the 37 properties already completed. As such, the Trust, in coordination with the Oklahoma Attorney General’s Office (assigned to provide legal advice to the Trust), advised VISION/CWF to file a lawsuit. The Trust and VISION/CWF came to a settlement approved by the court and as such VISION/CWF was paid monies due for services rendered.

Following the lawsuit and contract award vacation by the court, the Trust engaged the services of Oklahoma’s Department of Central Services (DCS) for award of another contract. Accordingly, DCS worked with the Trust and ODEQ to determine the scope of work and contract

requirements. In this instance, the filling of the subsidence area in Hockerville was removed from the Scope of Work because the local communities and county had agreed to fill the hole. The RFP included a Base Bid, an Alternate Bid, and an Option. The Base Bid was for the demolition, debris removal, and restoration of the property with debris being disposed of at an EPA operated repository. Further, the RFP required unit pricing for demolition square footage, asbestos removal, debris removal, and seeding be included as a basis for the Base Bid.

The Alternate was included as a contingency in the event the EPA operated repository was no longer available for disposal of debris by the Trust's contractor. The Alternate was for the additional cost which would be required to transport and dispose of debris at a licensed commercial landfill, pre-determined to be B3 CONSTRUCTION, Skammon, KS. No unit pricing was required to be supplied for the Alternate.

The Option was for the capping of the subsidence area in Hockerville. Cap specifications were included as part of the Scope of Work; however, the Option specifically excluded filling of the hole since the local governmental entities had committed to doing so. No unit pricing was required to be provided for the Option.

During the pre-bid conference, bidders were advised that unit pricing was only to be used as a basis for the Base Bid and would not be used for performance or payment purposes. Further, bidders were advised that the Alternate was for additional costs to take debris to a licensed landfill in the event the EPA repository became unavailable.

Bids were reviewed using a best value determination. This determination includes the process of reviewing performance requirements in the blind, which means that the bidder was not identified in any way on this portion of the review and scoring. Subsequently, once best value was determined, a review of proposed bid amounts was considered. Based upon these criteria, CWF ENTERPRISES was determined to be the lowest, most responsible, responsive bidder. DCS provided a recommendation of award of the contract to the Trust who agreed, by letter, with the recommendation to make the award to CWF at a Base Bid amount of \$1,701,752.97, an Alternate amount of \$1,324,032.96 and \$25,000 for the Option. However, due to an error by DCS, the contract awarded to CWF included the Base Bid value excluding the Alternate and the Option. Subsequently, upon discovery of the error, an amendment was written to include the omitted amounts.

At the time the DCS RFP was issued and bids were submitted, there was a belief that 248 properties would be available for demolition. Unfortunately, on the day of contract award, ODEQ and the Trust were notified that approximately 66 of the properties were unavailable due to restrictions imposed by the Bureau of Indian Affairs (BIA), on behalf of the Quapaw Tribe. CWF immediately requested an amendment to the contract changing the unit price for demolition/debris removal and adding a remobilization fee of \$3,000 per property. After negotiation on the issue, it was determined that CWF would experience additional costs not anticipated at the time of bid because they would not be able to operate efficiently, having to skip certain properties and then return later to complete them. Accordingly, a no cost amendment was written to increase the unit price for demolition/debris on a graduating scale based upon the length of the delay caused by the restrictions. The amendment did not include a remobilization



fee or any other related costs. Although CWF requested a contract modification to adjust the price of asbestos removal, no modifications to the original unit price were made.

The contract was awarded as a "Lump Sum" contract meaning that CWF would be paid no more and no less at contract completion than the total amount of award without cost increase/decrease by official contract modification. At the end, including the amendments, the total contract value was \$3,050,785.93. Although bidders were advised that unit pricing was only to be used for the purposes of evaluating the Base Bid, [REDACTED] use of unit prices during the billing process as a means to establish monies earned for progress payments. The unit price for the Base Bid was used exclusively for demolition/debris removal, excluding asbestos, up until the time the Trust, ODEQ, and CWF believed the EPA repository was no longer available. At that time, an additional unit cost, [REDACTED] from the Alternate bid, was added to the unit cost of the Base Bid for demolition/debris removal. No adjustment was made throughout contract performance and billing for asbestos. Further, for those properties delayed by the BIA, the unit price billed was comprised of the negotiated price included in the aforementioned amendment plus the Alternate unit price. Finally, although the RFP stated that no adjustments would be made for square footage beyond that specified in the RFP, CWF was allowed to bill for actual square footage determined at the time of demolition. This deviation occurred as the result of finding numerous errors early on during the demolition process in which the square footage was grossly overstated in the RFP. The square footage included in the RFP was derived by the entity responsible for the buyout of the property. This overstatement was likely the result of the removal of outbuildings by the original property owner between the time of buy out and the time of demolition. The change in square footage billed by CWF resulted in an overall increase of approximately 9-12 percent above the original square footage in the RFP. A total of approximately 387,000 square feet was disposed of during the life of the contract versus the total amount of 369,000 square feet billed, versus approximately 339,000 square feet included in the RFP.

During contract performance, [REDACTED] ODEQ, and the Trust became aware that the local communities who had committed to filling the Hockerville subsidence area had failed to do so. In order for the area to be capped, it would have to be filled first. Accordingly, in coordination with ODEQ, debris from certain properties was deemed to be disposed of at Hockerville. During the early portion of contract performance, only the unit price for demolition/debris removal included in the Base Bid was used for debris taken to Hockerville. After the repository was believed to be unavailable, the Alternate was added to the Base Bid unit price for billing/progress payment purposes. Only a small number of properties was taken to Hockerville prior to the belief that the repository was closed. The majority of the disposal at Hockerville occurred subsequent to the repository closing. The remainder of the debris was taken to Skammon, KS, for disposal, with one exception.

During the debris removal and disposal at the EPA repository, additional costs were incurred by CWF. At the time of the bid conference, bidders were advised that all debris would be accepted at the EPA Repository, except items such as white goods (refrigerators, washer, dryer, freezer, etc.) and large items such as automobiles and components. During contract performance, CWF was advised by EPA that additional items would not be accepted. This change by EPA resulted in a new requirement that CWF sort the debris according to EPA specifications. The sorting was

not a cost factor included in the original bid, and therefore, CWF was allowed to include a billed amount for this effort.

In February and March of 2011, EPA and or their contractor began to notify the Trust, [REDACTED] and ODEQ that there needed to be more disposal activity at the repository. As a result of the restricted properties, demolition debris being disposed of at the repository was slowing down. EPA was paying for a compactor and for personnel to support the disposal out of their budget for cleanup operations at the site related to Operable Unit 4 (OU4). With limited disposal activity, EPA felt they were not spending money wisely by continuing to support the Trust. As such, EPA informed the Trust that they may need to consider alternatives for disposal. EPA and their contractor advised they would be turning in the compactor if there was no resolution on the restricted lands by March 25, 2011. Further, the repository was scheduled to be closed for unrelated reasons during a short period of time. Since the restricted properties issue was not resolved prior to the deadline, the Trust, ODEQ, and [REDACTED] had a reasonable belief that the repository was no longer available for their use. As such, CWF began using the Alternate which was a contingency in the event the repository closed. This altered the progress payment billings wherein the Alternate unit price was added to the Base Bid unit price for all properties processed after March 25, 2011. Further, once the BIA properties became available, they were billed using the Alternate unit cost plus the higher negotiated rate for the delay. The exception to this involves a handful of properties processed at the end of the project which were not included in the RFP and were not delayed by the BIA. These properties were billed based upon the Alternate unit price plus the Base Bid unit price.

The scope of work prohibited the selling of any demolition debris for scrap. The exception to this involved a particularly large and complicated property known as the Landis Building. A significant quantity of metal which could be sold for scrap was included as part of the structure. Prior to selling the metal for scrap, a dispute ensued where in the Quapaw Tribe asserted the building belonged to them and that they should receive any proceeds from the scrap. Following negotiation between EPA and BIA on behalf of the Tribe, an agreement was reached wherein the scrap was transported by CWF to a location determined by the Tribe, and all proceeds from the sale of the scrap were paid to the Tribe. The remainder of the debris was to be processed in accordance with contractual specifications. Unfortunately, prior to transport of the debris to the landfill, a tornado touched down in the area scattering the debris which had been stockpiled awaiting disposal. CWF was authorized to bill for 90% of the square footage determined for the building.

Additionally, the scope of work included seeding once all demolition debris was removed. During the project, a decision was made that funds could be better used for additional demolition rather than seeding. The seeding was intended to prevent soil migration (AKA: erosion); however, the chances for such erosion was deemed to be low because most of the properties contained vegetation in the form of native grasses and weeds. Accordingly, after coordination between [REDACTED] DCS, the Trust, and ODEQ, a decision was made to discontinue the seeding effort. Subsequently, [REDACTED] CWF to stop seeding.

Without regard to the foregoing information, it should be noted that this was a lump sum contract. Legally, under the terms of a lump sum contract, at the time of contract completion, CWF would be and was paid a total of \$3,050,785.93, which, after all amendments, was the total

contract value. The amounts billed as progress payments and the way those amounts were derived are irrelevant to the total contract value. As such, any adjustments in billing of unit costs and added fees such as the EPA sorting requirements resulted in no indications of fraud or false claims in any way since the total work to be completed was done so successfully. The only way any of these changes could have resulted in any type of fraud would have been in the event of a default by CWF and a failure to successfully finish the project.

## **GENERAL ALLEGATIONS**

### **Allegation 1:**

[REDACTED], hired [REDACTED] to act as [REDACTED]. [REDACTED] began working for the Trust on approximately [REDACTED] 2010, and was being paid approximately 10% of the project contract price. Subsequently, the Trust entered into a contract with [REDACTED] on [REDACTED] 2010, for one year with a total payment in the amount of \$305,472.00. This amount far exceeded 10 percent of the contract price at that time which was \$1,701,752.97.

### **Allegation 1 Findings:**

Interviews and document reviews disclosed [REDACTED] was initially paid a 10 percent fee based upon a similar contract [REDACTED]. The fee was changed in September 2010 based upon a complaint from State Senator CHARLIE WYRICK that 10 percent was too high. Accordingly, the Trust made a decision to pay [REDACTED] an hourly rate plus expenses, excluding travel. The September 2010 contract was issued for a "maximum" value of \$305,472 which was derived from an estimate provided by [REDACTED]. In the end, [REDACTED] was paid less than the maximum amount.

### **Allegation 2:**

On March 24, 2010, the Trust executed a contract with [REDACTED] BACKHOE, DOZER, & TRUCKING (SBDT) despite the fact they were not the lowest bidder. Complainants alleged [REDACTED] engaged in a conspiracy to award the contract to SBDT by changing the quality control requirements making them more subjective. The RFP stated, "If a contractors' quality control plan, progress schedule, and time control methods are found to be unacceptable by the Trust, the bid will not be considered to be responsive."

### **Allegation 2 Findings:**

Interviews and document reviews disclosed that the RFP in question was issued by the Trust with [REDACTED] on February 24, 2010. Quality Control criteria were included in the RFP based upon [REDACTED] historical experience in construction/demolition work, as well as issues experienced with the TWIN BRIDGES contract. The bids and quality control score sheets were reviewed with the assistance of a technical engineer at EPA who has never had any dealings with the Tar Creek Superfund Site or the parties in question. The review

determined that the scores given to the bidders were reasonable and that in fact, SBDT was the only contractor to meet all criteria specified in the RFP and was therefore, the only responsive bidder despite the cost factor. Since the RFP provided specific criteria to be met, the same requirements were available to all bidders and as such, SBDT had no advantage over any of the other bidders. It is the responsibility of the bidder to ensure that all requirements contained within the RFP are met in their bid proposal.

### **Allegation 3:**

After the contract award to SBDT was vacated, CWF (AKA: VISION CONSTRUCTION AND PROJECT MANAGEMENT) was instructed by the trust to file a lawsuit to receive payment for services rendered. Complainants allege that no services were performed by VISION.

### **Allegation 3 Findings:**

Interviews and document reviews disclosed that 37 properties were processed during the time SBDT held the contract, prior to the court vacating the award. Further, when SBDT assigned all rights and responsibilities to CWF, CWF was entitled to receive payment for the work performed on those 37 properties. After the contract was vacated, there was no legal mechanism for CWF to file a claim for that work. The only alternative was to file a lawsuit in order to receive payment due.

### **Allegation 4:**

██████████ conspired to award the DCS contract to CWF by scoring the technical evaluation highest for CWF thereby skewing the averages.

### **Allegation 4 Findings:**

Interviews and document reviews disclosed the DCS contract award was based upon a “best value” award process which was identified in the RFP. Documentation submitted by prospective bidders was reviewed by a committee without knowledge of who the bidder was. This process resulted in a selection of three “best value” bidders. After the “best value” bidders were selected, the only consideration was on total price, an element not included in the “best value” analysis. In this instance, the lowest bidder was CWF. Further, no evidence could be located which would indicate any of the parties involved in this bid and award process were engaged in a conspiracy to affect the outcome of the process.

### **Allegation 5:**

██████████ conspired to steer the contract award to CWF by providing them a written recommendation.



### **Allegation 5 Findings:**

DCS requires bidders provide Survey Questionnaires to entities which previously engaged their services. In this case CWF provided three completed Questionnaires, one of which was from [REDACTED]. A review of the questionnaires disclosed that of the three parties completing the document, CWF [REDACTED]. Further, although the Questionnaires were inadvertently included in the "best value" blind review, which could indicate to [REDACTED] which bidder was CWF, a committee of four scored each of the four bidders independently. The scores were then consolidated and analyzed based upon weighted averages. Even with [REDACTED] scores included, CWF was not the highest scoring bidder. Removing [REDACTED] scores from the analysis had no impact on the outcome for the three of four bidders selected for further consideration. After selecting the three bidders, lowest bid wins the award, which was CWF. Again, no evidence was found which would indicate a conspiracy among the review committee or between any party and CWF.

### **Allegation 6:**

[REDACTED] conspired to pay additional funds to CWF through amendments and changes to the contract, specifically the increase in unit price of square footage based upon the restricted access to certain properties.

### **Allegation 6 Findings:**

Interviews and document reviews disclosed the unit price of square footage was increased based upon additional costs incurred by the contractor as a result of not being able to efficiently demolish properties in a given area and having to return to that area to demolish a previously restricted property. Despite the increase in unit price, there was no cost increase to the contract. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

## **SPECIFIC ALLEGATIONS:**

### **Allegation 7:**

CWF submitted false claims for mobilization and bonds/insurance as part of Application and Certification for Payment No. 1 dated February 11, 2011.

### **Allegation 7 Findings:**

Mobilization fees are a standard cost included in all construction type contracts across the industry. Additionally, reimbursement for bond/insurance fees is also standard across industry. Both are considered allowable costs in accordance with all DCS and federal rules and regulations. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.



#### **Allegation 8:**

CWF submitted false claims for property billings on all Applications and Certifications for payment because they billed for square footage derived during the creation of the AutoCAD drawings on a given property versus the square footage included in the RFP as required by the scope of work. The scope of work specifically stated there would be no adjustment for square footage per property.

#### **Allegation 8 Findings:**

Interviews and document reviews disclosed the square footage billed was based upon the AutoCAD drawings in agreement between CWF, [REDACTED] the Trust, ODEQ, and DCS because the square footage in the RFP was found in many cases to be grossly inaccurate. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

#### **Allegation 9:**

CWF submitted false claims for asbestos removal on three specific properties included in Payment Application and Certification No. 3, dated April 14, 2011, even though these properties had been burned down and no asbestos removal was performed.

#### **Allegation 9 Findings:**

Interviews and document reviews disclosed that two of the three properties had been hit by a tornado rendering them unsafe for entry. The third property was burned mid-way through demolition. Despite these factors, asbestos still remained and had to be removed. Although it was not removed by an abatement contract, the work was overseen by the asbestos abatement contractor and the asbestos was removed in accordance with prescribed procedures. Accordingly, CWF was entitled to payment for services rendered. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

#### **Allegation 10:**

CWF submitted a false statement by certifying on Payment Application and Certification No. 3, dated April 14, 2011, that all work had been completed on the listed properties when in fact no seeding was performed on several properties as required by the scope of work.

#### **Allegation 10 Findings:**

Interviews and document reviews disclosed that a decision was made among [REDACTED] DCS, the Trust, and CWF to discontinue seeding once the scheduled seeding amount was exceeded. Therefore, once that decision was made, there would be no false statements with regard to work completed on the properties. Further, this was a lump sum contract and CWF

was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

#### **Allegation 11:**

CWF submitted false claims for land fill fees that were not incurred for disposal of debris taken to the Hockerville subsidence area and for land fill fees charged on demolition debris which was taken to Skammon, KS, but could have been taken to the Hockerville subsidence area.

#### **Allegation 11 Findings:**

Interviews and document reviews disclosed that upon reasonable belief that the EPA repository was no longer available for demolition debris from this project CWF began billing the Alternate unit price plus the Base Bid unit price or the higher negotiated unit price resulting from the delayed access to BIA properties for all properties completed after March 25, 2011. Although no landfill fees were directly incurred for debris placed in the Hockerville subsidence area, CWF incurred additional costs in transportation along with equipment rental and personnel to operate said equipment to compact and level the debris deposited. In agreement with the Trust, [REDACTED] DCS, and ODEQ, CWF billed the Alternate unit price in addition to the Base Bid unit price in order to compensate them for the additional costs which were not part of the original RFP or bid package. Additionally, [REDACTED] [REDACTED] with ODEQ for approval to take certain properties to Hockerville. ODEQ advised that “all” the debris could be taken there referring to those specifically identified properties. The complainants allege that ODEQ was authorizing all debris remaining on the site to be taken to Hockerville. Even if this had been the case, that quantity of debris would not have fit into the subsidence area, therefore requiring some debris to be taken to Skammon, KS. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

#### **Allegation 12:**

CWF submitted false claims associated with work completed under Option A for capping the Hockerville subsidence area. Complainants allege that the cap was not completed in accordance with contract specifications.

#### **Allegation 12 Findings:**

Interviews and document reviews disclosed CWF’s failure to complete the cap in accordance with contract specifications is wholly the opinion of the complainants and not based upon scientifically sound data supporting the assertion. The Trust, [REDACTED] DCS, and ODEQ assert the work was performed as required. No evidence was discovered to support the assertion that defective work was completed and billed for. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments, which included the amount of \$25,000 for Option A.

### **Allegation 13:**

CWF submitted false claims for demolition and debris removal for the property known as the “Mickey Mantle Marriage House” which was never demolished and still stands today.

### **Allegation 13 Findings:**

Interviews and document reviews disclosed that although the Mickey Mantle Marriage House still stands today, it does not stand in its original location. Once moved from its original location, items still remained at the original property which needed to be demolished, debris removed and disposed of. Therefore, CWF was entitled to payment for services rendered. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

### **Allegation 14:**

CWF submitted false claims for general debris removal in excess of the quantity of debris included in the RFP for general debris removal.

### **Allegation 14 Findings:**

Interviews and document reviews disclosed the category of General Debris Removal was included as a catchall for debris not specifically related to a particular property including debris scattered by the tornado. The amount included in the RFP was strictly an estimate as it was impossible to accurately determine the quantity of miscellaneous debris throughout the affected zone including debris scattered by the tornado. Accordingly, CWF was allowed to bill for the actual amount of debris collected. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

### **Allegation 15:**

CWF submitted false claims for transportation of salvage which was not an amount allowed in the RFP.

### **Allegation 15 Findings:**

Interviews and document reviews disclosed that transportation costs for debris taken to salvage was billed for scrap taken to the BIA specified salvage yard in accordance with the negotiated agreement between the BIA and EPA. CWF was allowed to bill for the transportation cost because it was an unforeseen aspect to the job at the time of contract award. Despite being allowed to bill for this cost, there was no increase to the overall contract value. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

**CONCLUSION:**

This investigation revealed no evidence to support any allegations by the complainants.

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**APRIL-** New EPA Funding Opportunity for Coastal Watershed Restoration in Southeast New England

**MAY-** EPA Provides Brownfields Grants and Assistance to Connecticut Communities

**MAY-** EPA Provides Brownfields Grant and Assistance to Two NH Communities

**MAY-** EPA Provides Brownfields Grant and Assistance to Three Vermont Communities

**MAY-** EPA Provides Brownfields Grants and Assistance to Rhode Island Communities

**MAY-** EPA Provides Brownfields Grant and Assistance to Mass. Communities

**MAY-** EPA Takes Steps to Improve Water Quality in Mystic Tributaries Downstream of Belmont, Mass.

**MAY-** EPA Selects Lawrence, Mass. Group for Brownfields Job Training Grant

**MAY-** EPA Provides Brownfields Grant and Assistance to Maine Communities

**JUNE-** EPA to Help Bangor and Waterville, Maine Improve Health, Environment and Revitalize Local Economy

**JUNE-** EPA Provides Brownfields Grant and Assistance to three Vermont Communities

**JUNE-** Economically Disadvantaged Communities in Maine Receive \$1.1 Million to Redevelop Contaminated Properties

**JUNE-** City of Taunton, Mass. Receives \$500,000 to Redevelop Contaminated Brownfield Sites

**JULY-** EPA Provides Brownfields Grants to Western Massachusetts Communities

**JULY-** EPA Provides Brownfields Grants to Maine Communities

**JULY-** EPA Selects Biddeford, Maine Project to Apply for Low-Cost Water Infrastructure Loan

**JULY-** Rhode Island Awarded \$852,735 EPA Grant for Environmental Programs

**JULY-** New Hampshire Awarded \$936,308 EPA Grant for Environmental Programs

**JULY-** EPA Provides Brownfields Grants to Woonsocket and Providence, Rhode Island

**JULY-** EPA Awards \$91,000 Environmental Education Grant to Woonasquatucket River Watershed Council in Providence, R.I.

**AUGUST-** EPA Provides Brownfields Grant to Shelton, Conn.

## **REGION 2**

MARCH- EPA Provides Environmental Education Grants to Buffalo Niagara Riverkeeper and the Natural History Museum of the Adirondacks (The Wild Center)

MAY- EPA Selects Sullivan County, New York to Receive a \$200,000 Grant to Investigate Contaminated Properties

MAY- EPA Selects Camden, New Jersey to Receive Grants Totaling \$750,000 to Assess, Clean Up and Revitalize Contaminated Properties

MAY- EPA Selects Trenton, New Jersey to Receive a \$200,000 Grant to Clean Up and Revitalize Contaminated Property

MAY- EPA Selects Cataño, Puerto Rico to Receive a \$200,000 Grant to Investigate Contaminated Properties

MAY- EPA Selects Maurice River Township, New Jersey to Receive Grants Totaling \$400,000 to Assess, Clean Up and Revitalize Contaminated Properties

MAY- EPA Selects Valley Falls, New York Receive a \$200,000 Grant to Investigate Contaminated Property

MAY- EPA Provides \$200,000 for Green Job Training in New York City

JUNE- Camden Redevelopment Agency to Receive \$450,000 to Continue Work on Contaminated Brownfield Site

JUNE- EPA Provides Environmental Programs in Puerto Rico with More than One Million Dollars to Improve Water Quality

JUNE- EPA Provides Environmental Programs in N.Y. with \$5.7 Million to Improve Water Quality

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JULY- EPA Grant Funds Teacher Training Through The College of New Jersey

AUGUST- EPA Provides New Jersey \$70 Million for Wastewater and Drinking Water Improvements

AUGUST- EPA Provides New Jersey with Nearly \$ 1.2 Million to Assess Contaminated Sites and Oversee Superfund Cleanups

AUGUST- EPA Provides New York \$186 Million for Wastewater and Drinking Water Improvements

## **REGION 3**

APRIL- EPA Brownfields Funding to Revitalize

APRIL- EPA Funding to Revitalize Wilmington Brownfields

MAY- EPA Brownfields Funding Announced for West Virginia

MAY- EPA Brownfields Funding Announced for Western Pennsylvania

MAY- EPA Awards Earth Conservancy in Ashley, Pa Environmental Workforce and Development Job Training Funding

MAY- EPA Brownfields Funding Announced for Baltimore

JUNE- EPA to Help Montgomery and Smithers, West Virginia Improve Health, Environment and Revitalize Local Economy

JULY- Baltimore City One of 12 Selected by EPA To Apply For New Water Infrastructure Funding

JULY- EPA Awards \$91,000 Environmental Education Grant to Alvernia University in Reading, Pennsylvania

AUGUST- Pittsburgh gets \$600,000 in EPA Brownfields Grants to assess properties



AUGUST- EPA Announces Funding of More Than \$3.5 Million for DC Water Projects

## **REGION 4**

FEBRUARY- EPA Awards \$1.09 million DERA Grant to Gees Bend Ferry in Wilcox County, AL

MAY- EPA Brownfields Funding Announced for Eight Communities in Mississippi

MAY- EPA Brownfields Funding Announced for Five Communities in North Carolina

MAY- EPA Brownfields Funding Announced for Three Communities in South Carolina

MAY- EPA Brownfields Funding Announced for Eau Claire, Green Bay, Sheboygan, Washington County and Wauwatosa

MAY- EPA Brownfields Funding Announced for Four Communities in Kentucky

MAY- EPA Awards \$1.15 Million to South Carolina to Protect Water Quality

MAY- EPA Selects Florida State College at Jacksonville, Fla. for Job Training Grant

JUNE- EPA Provides \$1.38 Million to Florida's Environmental Programs

JUNE- EPA to Help Kentuckians Improve Health, Environment and Revitalize Local Economy

JUNE- \$1 Million Grant will Help Mississippi Address Leaking Underground Petroleum Storage Tanks

JUNE- EPA to Help Greensboro, AL Improve Health, Environment and Revitalize Local Economy

JUNE- Mississippi Awarded \$2.15 Million EPA Grant for Environmental Programs

JUNE- EPA to Recognize Five Communities in Georgia for Receiving \$1.4 Million in Funding for Brownfield Site and Community Revitalization

JUNE- EPA Awards \$300,000 to Atlanta, GA to Assess and Clean Up Contaminated Sites and Promote Economic Redevelopment

JULY- EPA Selects Miami-Dade County, Florida Project to Apply for Water Infrastructure Finance and Innovation Act (WIFIA) Loans

JULY- EPA Selects the City of Oak Ridge, Tennessee Project to Apply for Water Infrastructure Finance and Innovation Act (WIFIA) Loans

JULY- EPA Partners with North Carolina to Protect Drinking Water

AUGUST- EPA Awards Research Grant to Georgia Environmental Protection Division for Water Quality Monitoring Project

AUGUST- EPA Awards Palm Beach County, Florida \$133,135 to Reduce Air Pollution

## **REGION 5**

MAY- EPA Brownfields Funding Announced for Eau Claire, Green Bay, Sheboygan, Washington County and Wauwatosa

MAY- EPA Brownfields Funding Announced for Roseville, Newark, Norwalk, Painesville, Piqua, Port of Greater Cincinnati Development Authority, Youngstown and Southern Ohio Port Authority

MAY- EPA Brownfields Funding Announced for Mankato and Minnesota Pollution Control Agency

MAY- Transforming Lives and Land in Wisconsin through EPA's Brownfields Job Training Program

MAY- Transforming Lives and Land in Chicago through EPA's Brownfields Job Training Program

MAY- EPA Brownfields Funding Announced for Calhoun County, Genesee County, Michigan Department of Environmental Quality, St. Clair County and Tuscola County

JUNE- EPA to Help Anderson, Indiana, Improve Health, Environment and Revitalize Local Economy

JUNE- EPA Grant Funds Student Conservation Projects at 15 Wisconsin Schools

JUNE- Rockford, Ill., Will Receive \$700,000 to Redevelop Contaminated Brownfield Sites

JUNE- EPA provides \$2.5 million to Illinois to resume Superfund cleanup in Southeast Rockford

JUNE- Downriver Community Conference Will Receive \$500,000 to Redevelop Contaminated Brownfield Site in Tecumseh, Mich.

JUNE- EPA provides \$6.8 million to Chicago Park District for DuSable Park cleanup

JULY- EPA Awards \$550,000 to Wisconsin for Coastal Wetland Projects

JULY- EPA Awards \$120,000 to Illinois for Project in Waukegan Harbor

JULY- EPA selects Indiana Finance Authority to apply for \$436M water infrastructure loan

AUGUST- EPA awards \$45,000 grant to Sault Ste. Marie Tribe of Chippewa Indians to improve air quality in Michigan's Upper Peninsula

AUGUST- EPA partners with Michigan, Wisconsin and citizen scientists on innovative Great Lakes research project

## **REGION 6**

APRIL- EPA Grant of More Than \$123,000 Will Help Protect Louisiana's Drinking Water Sources

MAY- EPA Grant of More Than \$330,000 Will Help Superfund Cleanups in New Mexico

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MAY- State of Texas Receives EPA Grant of \$8.3M for Water Quality and Environmental Programs

MAY- EPA Awards Pueblo de Cochiti \$40,000 to Protect the Environment

MAY- EPA Grant of More Than \$100,000 Will Help Protect Oklahoma's Drinking Water Sources

MAY- EPA Awards Oklahoma \$855,000 to Protect Water Quality

MAY- EPA and New Mexico Partner to Prevent Water Pollution; EPA Awards \$217,660 to New Mexico Environment Department

MAY- EPA partners with Texas to eliminate water pollution; Awards \$2 Million Grant to Texas Commission on Environmental Quality

MAY- EPA and New Mexico Work for Clean Air; Million-Dollar Award to New Mexico Environmental Department

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MARCH- Idaho Selected to Receive \$2.5 Million EPA Grant to Improve Air Quality in Cache Valley

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MAY- Skamania County Selected for \$300,000 in Brownfields Assessment Grants

MAY- City of St. Helens Selected for \$300,000 in Brownfields Assessment Grants

MAY- City of Bremerton Selected for \$300,000 in Brownfields Assessment Grants

MAY- City of Eugene and Partners Selected for \$500,000 in Brownfields Assessment Grants

MAY- Grays Harbor Council of Governments Selected for \$600,000 in Brownfields Assessment Grants

MAY- EPA Selects Communities in Alaska, Oregon and Washington for Brownfields Assessment and Cleanup Grants

JUNE- EPA awards \$513K to Alaska & Washington tribes to protect communities from diesel emissions

JULY- King County qualifies for \$129 million from innovative EPA infrastructure loan for Georgetown wet weather treatment station

AUGUST- EPA awards \$1.1 million to Idaho to protect drinking water sources

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MAY- EPA Selects Zender Environmental Health and Research Group for \$200,000 Environmental Workforce Development and Job Training Grant

MAY- Skamania County Selected for \$300,000 in Brownfields Assessment Grants

MAY- City of St. Helens Selected for \$300,000 in Brownfields Assessment Grants

MAY- City of Bremerton Selected for \$300,000 in Brownfields Assessment Grants

MAY- City of Eugene and Partners Selected for \$500,000 in Brownfields Assessment Grants

MAY- Grays Harbor Council of Governments Selected for \$600,000 in Brownfields Assessment Grants

MAY- EPA Selects Communities in Alaska, Oregon and Washington for Brownfields Assessment and Cleanup Grants

JUNE- EPA awards \$513K to Alaska & Washington tribes to protect communities from diesel emissions

JULY- King County qualifies for \$129 million from innovative EPA infrastructure loan for Georgetown wet weather treatment station

AUGUST- EPA awards \$1.1 million to Idaho to protect drinking water sources

## Regions 1-5

### August:

<https://www.epa.gov/newsreleases/epa-provides-brownfields-grant-shelton-conn>

<https://www.epa.gov/newsreleases/epa-awards-45000-grant-sault-ste-marie-tribe-chippewa-indians-improve-air-quality>

<https://www.epa.gov/newsreleases/epa-partners-michigan-wisconsin-and-citizen-scientists-innovative-great-lakes-research>

<https://www.epa.gov/newsreleases/epa-announces-collaborative-innovative-research-mass-and-new-york-address-state-0>

<https://www.epa.gov/newsreleases/epa-announces-innovative-mussel-research-address-water-quality-issues>

<https://www.epa.gov/newsreleases/epa-awards-research-grant-georgia-environmental-protection-division-water-quality>

<https://www.epa.gov/newsreleases/epa-provides-new-jersey-70-million-wastewater-and-drinking-water-improvements>

<https://www.epa.gov/newsreleases/epa-provides-new-york-186-million-wastewater-and-drinking-water-improvements>

<https://www.epa.gov/newsreleases/epa-provides-new-jersey-nearly-12-million-assess-contaminated-sites-and-oversee>

<https://www.epa.gov/newsreleases/pittsburgh-gets-600000-epa-brownfields-grants-assess-properties>

<https://www.epa.gov/newsreleases/epa-announces-funding-more-35-million-dc-water-projects>

<https://www.epa.gov/newsreleases/epa-awards-palm-beach-county-florida-133135-reduce-air-pollution>

### July:

<https://www.epa.gov/newsreleases/epa-awards-550000-wisconsin-coastal-wetland-projects>

<https://www.epa.gov/newsreleases/epa-provides-brownfields-grants-western-massachusetts-communities>

<https://www.epa.gov/newsreleases/epa-awards-120000-illinois-project-waukegan-harbor>



<https://www.epa.gov/newsreleases/epa-provides-brownfields-grants-maine-communities>  
<https://www.epa.gov/newsreleases/epa-selects-biddeford-maine-project-apply-low-cost-water-infrastructure-loan>  
<https://www.epa.gov/newsreleases/baltimore-city-one-12-selected-epa-apply-new-water-infrastructure-funding>  
<https://www.epa.gov/newsreleases/epa-selects-miami-dade-county-florida-project-apply-water-infrastructure-finance-and>  
<https://www.epa.gov/newsreleases/epa-selects-city-oak-ridge-tennessee-project-apply-water-infrastructure-finance-and>  
<https://www.epa.gov/newsreleases/epa-selects-indiana-finance-authority-apply-436m-water-infrastructure-loan>  
<https://www.epa.gov/newsreleases/epa-partners-north-carolina-protect-drinking-water-0>  
<https://www.epa.gov/newsreleases/rhode-island-awarded-852735-epa-grant-environmental-programs>  
<https://www.epa.gov/newsreleases/new-hampshire-awarded-936308-epa-grant-environmental-programs>  
<https://www.epa.gov/newsreleases/epa-grant-funds-teacher-training-through-college-new-jersey>  
<https://www.epa.gov/newsreleases/epa-provides-brownfields-grants-woonsocket-and-providence-rhode-island>  
<https://www.epa.gov/newsreleases/epa-awards-91000-environmental-education-grant-woonasquatucket-river-watershed-council>  
<https://www.epa.gov/newsreleases/epa-awards-91000-environmental-education-grant-alvernia-university-reading-pennsylvania>  
<https://www.epa.gov/newsreleases/epa-provides-138-million-floridas-environmental-programs>  
<https://www.epa.gov/newsreleases/1-million-grant-will-help-mississippi-address-leaking-underground-petroleum-storage>

June:

Region 4: <https://www.epa.gov/newsreleases/epa-help-greensboro-al-improve-health-environment-and-revitalize-local-economy>

Region 1: <https://www.epa.gov/newsreleases/epa-help-bangor-and-waterville-maine-improve-health-environment-and-revitalize-local>

Region 2: <https://www.epa.gov/newsreleases/epa-provides-environmental-programs-puerto-rico-more-one-million-dollars-improve-water>

Region 3: <https://www.epa.gov/newsreleases/epa-help-montgomery-and-smithers-west-virginia-improve-health-environment-and>

Region 4: <https://www.epa.gov/newsreleases/epa-help-kentuckians-improve-health-environment-and-revitalize-local-economy>

Region 5: <https://www.epa.gov/newsreleases/epa-help-anderson-indiana-improve-health-environment-and-revitalize-local-economy>

Region 2: <https://www.epa.gov/newsreleases/epa-provides-environmental-programs-ny-57-million-improve-water-quality>

Region 5: <https://www.epa.gov/newsreleases/epa-grant-funds-student-conservation-projects-15-wisconsin-schools>

Region 1: <https://www.epa.gov/newsreleases/epa-provides-brownfields-grant-and-assistance-three-vermont-communities-0>

Region 5: <https://www.epa.gov/newsreleases/epa-provides-68-million-chicago-park-district-durable-park-cleanup>

Region 5: <https://www.epa.gov/newsreleases/epa-provides-25-million-illinois-resume-superfund-cleanup-southeast-rockford>

Region 4: <https://www.epa.gov/newsreleases/mississippi-awarded-215-million-epa-grant-environmental-programs>

Region 1: <https://www.epa.gov/newsreleases/epa-provides-brownfields-grant-and-assistance-three-vermont-communities-0>

Region 1: <https://www.epa.gov/newsreleases/economically-disadvantaged-communities-maine-receive-11-million-redevelop-contaminated>

Region 1: <https://www.epa.gov/newsreleases/city-taunton-mass-receives-500000-redevelop-contaminated-brownfield-sites>

Region 2: <https://www.epa.gov/newsreleases/camden-redevelopment-agency-receive-450000-continue-work-contaminated-brownfield-site>

Region 4: <https://www.epa.gov/newsreleases/epa-awards-300000-atlanta-ga-assess-and-clean-contaminated-sites-and-promote-economic>

Region 5: <https://www.epa.gov/newsreleases/rockford-ill-will-receive-700000-redevelop-contaminated-brownfield-sites>

Region 5: <https://www.epa.gov/newsreleases/downriver-community-conference-will-receive-500000-redevelop-contaminated-brownfield>

Region 4: <https://www.epa.gov/newsreleases/epa-recognize-five-communities-georgia-receiving-14-million-funding-brownfield-site-and>

May:

Region 5: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-calhoun-county-genesee-county-michigan-department>

Region 1: <https://www.epa.gov/newsreleases/epa-provides-brownfields-grant-and-assistance-maine-communities>

Region 3: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-baltimore>

Region 5: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-mankato-and-minnesota-pollution-control-agency>

Region 1: <https://www.epa.gov/newsreleases/epa-provides-brownfields-grant-and-assistance-mass-communities>

Region 2: <https://www.epa.gov/newsreleases/epa-selects-sullivan-county-new-york-receive-200000-grant-investigate-contaminated>

Region 5: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-roseville-newark-norwalk-painesville-piqua-port>

Region 4: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-eight-communities-mississippi>

Region 1: <https://www.epa.gov/newsreleases/epa-provides-brownfields-grants-and-assistance-rhode-island-communities>

Region 5: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-eau-claire-green-bay-sheboygan-washington-county-and>

Region 4: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-five-communities-north-carolina>

Region 1: <https://www.epa.gov/newsreleases/epa-provides-brownfields-grant-and-assistance-three-vermont-communities>

Region 4: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-four-communities-kentucky>

Region 3: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-western-pennsylvania>

Region 4: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-three-communities-south-carolina>

Region 2: <https://www.epa.gov/newsreleases/epa-selects-camden-new-jersey-receive-grants-totaling-750000-assess-clean-and>

Region 2: <https://www.epa.gov/newsreleases/epa-selects-maurice-river-township-new-jersey-receive-grants-totaling-400000-assess>

Region 5: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-eau-claire-green-bay-sheboygan-washington-county-and>

Region 4: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-five-communities-north-carolina>

Region 4: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-four-communities-kentucky>

Region 3: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-western-pennsylvania>

Region 1: <https://www.epa.gov/newsreleases/epa-provides-brownfields-grants-and-assistance-connecticut-communities>

Region 1: <https://www.epa.gov/newsreleases/epa-provides-brownfields-grant-and-assistance-two-nh-communities>

Region 2: <https://www.epa.gov/newsreleases/epa-selects-catano-puerto-rico-receive-200000-grant-investigate-contaminated-properties>

Region 2: <https://www.epa.gov/newsreleases/epa-selects-valley-falls-new-york-receive-200000-grant-investigate-contaminated>

Region 3: <https://www.epa.gov/newsreleases/epa-brownfields-funding-announced-west-virginia>

Region 2: <https://www.epa.gov/newsreleases/epa-selects-trenton-new-jersey-receive-200000-grant-clean-and-revitalize-contaminated>

Region 1: <https://www.epa.gov/newsreleases/epa-takes-steps-improve-water-quality-mystic-tributaries-downstream-belmont-mass>

Region 4: <https://www.epa.gov/newsreleases/epa-awards-115-million-south-carolina-protect-water-quality>

Region 1: <https://www.epa.gov/newsreleases/epa-selects-lawrence-mass-group-brownfields-job-training-grant>

Message

**From:** Jones, Enesta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=65B8E6C6E5CA4A7A9AE85D98A4C8EEDB-EJONES02]  
**Sent:** 3/28/2018 11:21:12 AM  
**To:** Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]; Regional Public Affairs Directors [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=df2f9cc7475345c9897ecec6e434647d-PADs]; AO-OCIR Everyone [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=500c49cd19484dcfa10ecbd43df8b57f-AO-OCIR Everyone]; AO OPA Internal Communications [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8a16bad164c94c5db79c284e59ae421f-AO OPA Inte]; Owens, Denise [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cb0fe2d4fa6e4a98884de40922a3aa92-Dowens03]; Comm Directors and Alternates [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94c7f0d65c1746f48b2d313ef19514ab-Comm Directors and Alternates]  
**Subject:** Fwd: Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup

And in the [newsroom](#).

<!--[if !supportLineBreakNewLine]-->  
<!--[endif]-->

**From:** "EPA Press Office" <[press@epa.gov](mailto:press@epa.gov)>  
**Date:** March 20, 2018 at 4:05:00 PM EDT  
**To:** "Jones.Enesta@epa.gov" <[Jones.Enesta@epa.gov](mailto:Jones.Enesta@epa.gov)>  
**Subject:** Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup  
**Reply-To:** [press@epa.gov](mailto:press@epa.gov)

No Images? [Click here](#)

## Tulsa World

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### Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup

Jim Meyers  
March 20, 2018  
[here](#)

Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to Tar Creek, for decades one of the oldest, largest and most complex toxic sites in the nation.

“It is really unacceptable,” Pruitt said as he recalled the history of the Tar Creek, whose Superfund legacy dates back to 1983, as well as the amount of money and time deployed there.

“You don’t list a site in the mid-1980s and you don’t take the kind of steps we have taken historically and still have issues today in 2018.”

He blamed inconsistency, even within EPA’s 10 regions, as well as a lack of attention and focus for slowing outcomes.

“It is one of the things that seemed to be languishing as we arrived,” Pruitt said, making it clear the lack of urgency was something he found “palpable” at Superfund sites across the country.

“When it takes you 27, 28 years to make a decision — make a decision, not clean it up, not remediate, but make a decision on how you are going to remediate — that is unacceptable.”

...

Pruitt’s emphasis on Tar Creek and the other Superfund sites across the country grew out of a task force he created in 2017, just months after being sworn in as administrator.

Members of the Superfund Task Force came back with a list of specific recommendations under major goals ranging from expediting cleanup and remediation to promoting redevelopment and community revitalization.

As part of that process, Tar Creek landed on a list Pruitt says he will use going forward to keep the emphasis on the program.

“To me there are some very fundamental, significant things we can do to provide clarity to citizens there. I think it has started to take root over the last several months,” he said, adding that some of those steps could come “in the near term.”

To Read The Full Article [Click Here](#)

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Newsroom

<!--[if !vml]-->

<!--[endif]-->

U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue Northwest  
Washington, D.C. 20004

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Message

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**From:** Rebecca Nagle [rebecca.nagle@gmail.com]  
**Sent:** 1/19/2018 6:48:30 PM  
**To:** Press [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]  
**Subject:** Comments on Tar Creak

My name is Rebecca Nagle and I am a writer with ThinkProgress. I am writing to ask for comment on the Tar Creek Superfund site and wanting to speak with some one in Albert Kelly' s office.

Thank you  
Rebecca

Message

**From:** Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]  
**Sent:** 7/18/2017 10:39:42 PM  
**To:** Love, Kelly A. EOP/WHO [Kelly.A.Love@who.eop.gov]  
**CC:** Dorr, Kaelan K. EOP/WHO [Kaelan.K.Dorr@who.eop.gov]; Rateike, Bradley A. EOP/WHO [Bradley.A.Rateike@who.eop.gov]  
**Subject:** RE: HuffPost: Senator Joins Ethics Probe That Could Get EPA Chief Scott Pruitt Disbarred

Just sent, following Kaelan's call (he just keeps calling me today!).

---

**From:** Love, Kelly A. EOP/WHO [mailto:Kelly.A.Love@who.eop.gov]  
**Sent:** Tuesday, July 18, 2017 6:31 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Cc:** Dorr, Kaelan K. EOP/WHO <Kaelan.K.Dorr@who.eop.gov>; Rateike, Bradley A. EOP/WHO <Bradley.A.Rateike@who.eop.gov>  
**Subject:** FW: HuffPost: Senator Joins Ethics Probe That Could Get EPA Chief Scott Pruitt Disbarred

Hi All – Do we have talkers on this below?

**Senator Joins Ethics Probe That Could Get EPA Chief Scott Pruitt Disbarred**

HuffPost

Alexander C. Kaufman

July 18, 2017 – 10:56 AM

>[http://www.huffingtonpost.com/entry/scott-pruitt-ethics-probe\\_us\\_596cf43ce4b0e983c05800ed?ncid=engmodushpmg00000004](http://www.huffingtonpost.com/entry/scott-pruitt-ethics-probe_us_596cf43ce4b0e983c05800ed?ncid=engmodushpmg00000004)<

*The former Oklahoma attorney general is under investigation for misleading Congress about his emails.*

Environmental Protection Agency Administrator Scott Pruitt has been caught repeatedly misleading Congress about his use of different email accounts during his six years as Oklahoma's attorney general.

He said he used just one email, when he actually had two. He sent official correspondence from a personal address, and appeared to deliberately delay public-records requests to cover his tracks before facing a Senate confirmation hearing.

Now, a senator involved in that confirmation process is backing an effort that could get Pruitt disbarred in his home state, Oklahoma, for violating ethics rules.

Sen. Sheldon Whitehouse (D-R.I.) plans to submit a lengthy statement and 60 pages of evidence to the Oklahoma Bar Association on Tuesday for its investigation into Pruitt, whom he accuses of lying to him during and after the hearing before the Senate Environment and Public Works Committee. The bar association began probing Pruitt in March in response to an ethics complaint filed by an environmental group and a University of Oklahoma law professor.

Whitehouse, in a letter provided to HuffPost before he submitted it to the bar association, says Pruitt's "misleading answers, evasiveness, and stonewalling" prevented lawmakers from fully vetting the candidate before advancing his nomination for a Senate confirmation vote.

"I have had a front-row seat for Mr. Pruitt's misleading testimony and his ongoing failure to respond completely and truthfully to Committee requests for him to set the record straight," Whitehouse wrote in the letter, addressed to bar association general counsel Gina Hendryx. "This conduct is unbecoming of an attorney who is also a public official and who, under law, is required to testify truthfully to Congress."



Pruitt's deep ties to fossil fuel industries whose pollution he's now charged with policing became a lightning rod during his confirmation process. Correspondence published by The New York Times in 2014 as part of a Pulitzer Prize-winning series showed Pruitt allowing lawyers from Devon Energy, an oil and gas company, to write a complaint to the EPA under his official letterhead. Since taking office, Pruitt has spent an unusual amount of time courting fossil fuel executives amid aggressive rollbacks of regulations and programs to address climate change.

His failure provide accurate testimony on his email use fuels concerns that he misled lawmakers to obscure his push to boost oil and gas profits ahead of public health. If he is found guilty of violating rules, the bar association could choose to sanction Pruitt, suspend his license or, in the most severe scenario, disbar him for at least five years.

It's unclear how disbarment would affect his job as EPA administrator.

"He misstated the facts over and over again," Whitehouse told HuffPost in a phone interview on Monday. "This was a case of repeat prevarications, not just an inadvertent slip."

During his first appearance before Congress in January, Pruitt claimed he never used his personal email address for official business. He told Whitehouse that there were "no other email addresses." After the hearing, he confirmed the statement, telling Whitehouse: "I have used two email addresses since becoming attorney general of Oklahoma. I use a personal email address for personal email, and an official email address for official business. The domain of my personal email address is [me.com](mailto:me.com) and the domain for my official email address is [oag.ok.gov](mailto:oag.ok.gov)."

On Feb. 21, four days after he the Senate narrowly confirmed his nomination, the Oklahoma attorney general's office released 7,564 pages of Pruitt's emails under court order following a lawsuit from the nonprofit Center for Media and Democracy. The correspondence showed Pruitt using his personal email for official purposes, contradicting his testimony.

In June, the second cache of emails handed over to the Wisconsin-based watchdog group revealed that Pruitt used two addresses for the Oklahoma attorney general's office: [scott.pruitt@oag.ok.gov](mailto:scott.pruitt@oag.ok.gov), and [esp@oag.ok.gov](mailto:esp@oag.ok.gov). The latter, as The Washington Post noted, used the initials for Pruitt's full name, Edward Scott Pruitt.

Whitehouse said Pruitt stonewalled efforts to make the emails public under Oklahoma's Open Records Act. In the five months after Mike Hunter, Pruitt's successor, took over, his office cleared a backlog of open-records requests that dated back to 2014.

The EPA did not respond to a request for comment on Monday.

"Somebody needs to hold Scott Pruitt to account or at least investigate some of the questions that remain on his record during his time as Oklahoma attorney general," Nick Surgey, research director at the Center for Media and Democracy, told HuffPost by phone. "There were many questions that were asked during his confirmation hearing that should have been answered but they weren't."

John Williams, executive director of the Oklahoma Bar Association, declined to comment on the status of the investigation, but said it could be many months before it concludes.

"It can be a fairly elaborate and lengthy process," Williams told HuffPost. In anticipation of Whitehouse's submission, he said: "I assume that would cause the investigation to go on longer."

If the bar association concludes that Pruitt violated ethics rules, the case is turned over to a committee that determines whether charges should be filed, and a special tribunal responsible for holding hearings. Ultimately, the state Supreme Court reviews the investigation.

The ethics complaint could provide legal ammunition for other challenges to Pruitt's regulatory agenda. Whitehouse said lawsuits opposing EPA rollbacks of rules on oil and gas companies could go after Pruitt for alleged conflicts of interest.

"It's regrettable that these steps have to be taken about somebody who has been shoved into a Cabinet-level position in the government of the United States of America," Whitehouse said. "But that's the world under Trump."

Message

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**From:** Greaves, Holly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ABCB6428B3DF40A9A78B059A8BA59707-GREAVES, HO]  
**Sent:** 7/17/2017 9:48:01 PM  
**To:** Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]  
**Subject:** FTE 1970 - now  
**Attachments:** image2017-07-17-175715.pdf

# EPA Funding and FTE History

(Dollars in Thousands)

## Funding

Account	FY 1970 Approp	FY 1971 Approp	FY 1972 Approp	FY 1973 Approp	FY 1974 Approp	FY 1975 Approp	FY 1976 Approp	FY 1977 Approp	FY 1978 Approp	FY 1979 Approp	FY 1980 Approp	FY 1981 Approp	FY 1982 Approp
Operating Programs	\$ 203,984	\$ 288,784	\$ 447,520	\$ 477,221	\$ 518,348	\$ 698,807	\$ 771,695	\$ 783,705	\$ 998,603	\$ 1,202,544	\$ 1,269,399	\$ 1,351,089	\$ 1,086,013
EPM	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
S&T	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Inland Oil Spills	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
B&F	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,100	\$ -	\$ 1,172	\$ 2,177	\$ 4,115	\$ 3,621
IG	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
STAG - Categorical Grants													
PRO (formerly S&E)	\$ 203,984	\$ 285,284	\$ 440,520	\$ 79,911	\$ 100,906	\$ 111,460	\$ 71,583	\$ 129,538	\$ 156,480	\$ 185,152	\$ 524,773	\$ 561,694	\$ 555,106
AC&C	\$ -	\$ -	\$ -	\$ 216,089	\$ 256,015	\$ 286,815	\$ 434,691	\$ 386,501	\$ 520,877	\$ 680,983	\$ 506,430	\$ 534,794	\$ 372,970
R&D	\$ -	\$ -	\$ -	\$ 177,221	\$ 159,427	\$ 300,532	\$ 265,421	\$ 260,566	\$ 317,246	\$ 332,837	\$ 233,481	\$ 250,486	\$ 154,316
Manifest System Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other	\$ -	\$ 3,500	\$ 7,000	\$ 4,000	\$ 2,000	\$ -	\$ -	\$ 5,000	\$ 4,000	\$ 2,500	\$ 2,638	\$ -	\$ -
Trust Funds	\$ -	\$ -	\$ 45	\$ 5	\$ -	\$ 28	\$ -	\$ 40	\$ 32	\$ 17	\$ 16	\$ 74,743	\$ 190,000
Superfund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 74,743	\$ 190,000
LUST	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ 45	\$ 5	\$ -	\$ 28	\$ -	\$ 40	\$ 32	\$ 17	\$ 16	\$ -	\$ -
Infrastructure Financing:	\$ 800,000	\$ 1,000,000	\$ 2,000,000	\$ 1,900,000	\$ -	\$ -	\$ -	\$ 1,980,000	\$ 4,500,000	\$ 4,200,000	\$ 3,400,000	\$ 1,604,837	\$ 2,400,000
Construction Grants	\$ 800,000	\$ 1,000,000	\$ 2,000,000	\$ 1,900,000	\$ -	\$ -	\$ -	\$ 1,980,000	\$ 4,500,000	\$ 4,200,000	\$ 3,400,000	\$ 1,604,837	\$ 2,400,000
Clean Water SRF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Drinking Water SRF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WIFIA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cancellation of Funds													
TOTAL	\$ 1,003,984	\$ 1,288,784	\$ 2,447,565	\$ 2,377,226	\$ 518,348	\$ 698,835	\$ 771,695	\$ 2,763,745	\$ 6,498,635	\$ 5,402,561	\$ 4,669,415	\$ 3,030,669	\$ 3,676,013

## Actual FTE

Category	FY 1970 Actuals	FY 1971 Actuals	FY 1972 Actuals	FY 1973 Actuals	FY 1974 Actuals	FY 1975 Actuals	FY 1976 Actuals	FY 1977 Actuals	FY 1978 Actuals	FY 1979 Actuals	FY 1980 Actuals	FY 1981 Actuals	FY 1982 Actuals
Operating Programs	4,084	5,744	8,358	9,077	9,743	10,438	9,481	11,315	11,986	12,160	13,078	12,667	10,878
Trust Funds	-	-	-	-	-	-	-	-	-	-	-	-	524
TOTAL	4,084	5,744	8,358	9,077	9,743	10,438	9,481	11,315	11,986	12,160	13,078	12,667	11,402

### Notes:

Other category in Operating Programs was Overseas Scientific account, except for FY 80, when it was for U.S. Regulatory Council.  
 Superfund transfer resources are in the superfund appropriation.  
 Superfund transfer FTE are in their respective S&T and IG appropriations.  
 FY 70-72: All Operating Programs activities were funded by the Operations, Research, & Facilities account.  
 FY 73-79: Enforcement included in S&E account, as these were primarily workforce and support costs.  
 FY 73-79: AC&C and R&D accounts included workforce costs.  
 FY 76: Three month total of \$186,856 K appropriated for conversion to new fiscal year calendar in 1976 NOT included in FY 76.  
 FY 80: Workforce and support costs in all Operating Programs accounts were moved to the S&E account.  
 Other category in Operating Programs was Overseas Scientific account, except for FY 80, when it was for U.S. Regulatory Council.

# EPA Funding and FTE History

(Dollars in Thousands)

## Funding

Account	FY 1983 Approp	FY 1984 Approp	FY 1985 Approp	FY 1986 Approp	FY 1987 Approp	FY 1988 Approp	FY 1989 Approp	FY 1990 Approp	FY 1991 Approp	FY 1992 Approp	FY 1993 Approp	FY 1994 Approp	FY 1995 Approp
<b>Operating Programs</b>	\$ 1,048,688	\$ 1,172,000	\$ 1,347,573	\$ 1,438,341	\$ 1,541,792	\$ 1,581,042	\$ 1,745,125	\$ 1,909,454	\$ 2,313,108	\$ 2,577,625	\$ 2,693,896	\$ 2,688,748	\$ 2,773,887
EPM	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
S&T	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Inland Oil Spills	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000	\$ 21,239	\$ 20,000
B&F	\$ 3,000	\$ 2,600	\$ 12,500	\$ 4,785	\$ 7,500	\$ 23,500	\$ 8,000	\$ 14,652	\$ 39,999	\$ 39,300	\$ 134,300	\$ 18,000	\$ 43,870
IG	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,803	\$ 37,000	\$ 41,200	\$ 42,799	\$ 27,648	\$ 28,542
STAG - Categorical Grants													
PRO (formerly S&E)	\$ 555,613	\$ 579,600	\$ 665,698	\$ 654,766	\$ 727,107	\$ 765,000	\$ 815,000	\$ 864,409	\$ 974,687	\$ 1,040,500	\$ 823,607	\$ 850,625	\$ 922,000
AC&C	\$ 369,075	\$ 443,900	\$ 480,500	\$ 565,007	\$ 609,685	\$ 606,192	\$ 719,625	\$ 769,670	\$ 1,006,525	\$ 1,133,625	\$ 1,318,965	\$ 1,352,535	\$ 1,417,000
R&D	\$ 121,000	\$ 145,700	\$ 188,875	\$ 213,793	\$ 197,500	\$ 186,350	\$ 202,500	\$ 229,820	\$ 254,897	\$ 323,000	\$ 323,000	\$ 338,701	\$ 350,000
Emanifest System Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 31,225	\$ 80,000	\$ (7,525)
<b>Trust Funds</b>	\$ 210,000	\$ 460,000	\$ 606,082	\$ 451,300	\$ 1,461,300	\$ 1,142,400	\$ 1,460,000	\$ 1,604,325	\$ 1,681,206	\$ 1,691,228	\$ 1,648,528	\$ 1,573,179	\$ 1,505,000
Superfund	\$ 210,000	\$ 460,000	\$ 606,082	\$ 451,300	\$ 1,411,300	\$ 1,128,000	\$ 1,410,000	\$ 1,530,228	\$ 1,616,207	\$ 1,616,228	\$ 1,573,528	\$ 1,497,131	\$ 1,435,000
LUST	\$ -	\$ -	\$ -	\$ -	\$ 50,000	\$ 14,400	\$ 50,000	\$ 74,097	\$ 64,999	\$ 75,000	\$ 75,000	\$ 76,048	\$ 70,000
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Infrastructure Financing:</b>	\$ 2,430,000	\$ 2,435,000	\$ 2,400,000	\$ 1,774,200	\$ 2,361,000	\$ 2,304,000	\$ 1,950,000	\$ 1,948,029	\$ 2,099,973	\$ 2,400,000	\$ 2,550,000	\$ 2,397,000	\$ 2,962,000
Construction Grants	\$ 2,430,000	\$ 2,435,000	\$ 2,400,000	\$ 1,774,200	\$ 2,361,000	\$ 2,304,000	\$ 1,950,000	\$ 1,948,029	\$ 2,099,973	\$ 2,400,000	\$ 2,550,000	\$ -	\$ -
Clean Water SRF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,798,000	\$ 2,962,000
Drinking Water SRF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 598,000	\$ -
WIFIA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Cancellation of Funds</b>													
<b>TOTAL</b>	\$ 3,688,688	\$ 4,067,000	\$ 4,353,655	\$ 3,663,841	\$ 5,364,092	\$ 5,027,442	\$ 5,155,125	\$ 5,461,808	\$ 6,094,287	\$ 6,668,853	\$ 6,892,424	\$ 6,658,927	\$ 7,240,887

## Actual FTE

Category	FY 1983 Actuals	FY 1984 Actuals	FY 1985 Actuals	FY 1986 Actuals	FY 1987 Actuals	FY 1988 Actuals	FY 1989 Actuals	FY 1990 Actuals	FY 1991 Actuals	FY 1992 Actuals	FY 1993 Actuals	FY 1994 Actuals	FY 1995 Actuals
Operating Programs	10,107	10,424	11,060	11,249	11,241	11,728	11,492	12,801	12,815	13,386	13,575	13,330	13,801
Trust Funds	725	996	1,350	1,643	2,201	2,714	2,878	3,517	3,600	3,624	3,705	3,778	3,707
<b>TOTAL</b>	<b>10,832</b>	<b>11,420</b>	<b>12,410</b>	<b>12,892</b>	<b>13,442</b>	<b>14,442</b>	<b>14,370</b>	<b>16,318</b>	<b>16,415</b>	<b>17,010</b>	<b>17,280</b>	<b>17,106</b>	<b>17,508</b>

### Notes:

Superfund transfer resources are in the superfund appropriation.

Superfund transfer FTE are in their respective S&T and IG appropriations.

Other category in Operating Programs was Overseas Scientific account, except for FY 80, when it was for U.S. Regulatory Council.

# EPA Funding and FTE History

(Dollars in Thousands)

## Funding

Account	FY 1996 Approp	FY 1997 Approp	FY 1998 Approp	FY 1999 Approp	FY 2000 Approp	FY 2001 Approp	FY 2002 Approp	FY 2003 Approp	FY 2004 Approp	FY 2005 Approp	FY 2006 Approp	FY 2007 Approp
<b>Operating Programs</b>	\$ 3,011,479	\$ 3,109,148	\$ 3,329,921	\$ 3,489,802	\$ 3,532,286	\$ 3,657,509	\$ 4,035,621	\$ 4,050,242	\$ 4,323,210	\$ 4,269,635	\$ 4,282,755	\$ 4,297,364
EPM	\$ 1,675,921	\$ 1,752,221	\$ 1,801,000	\$ 1,846,700	\$ 1,895,267	\$ 2,083,396	\$ 2,093,511	\$ 2,097,876	\$ 2,280,046	\$ 2,294,902	\$ 2,346,711	\$ 2,358,370
S&T	\$ 524,476	\$ 552,000	\$ 631,000	\$ 660,000	\$ 642,303	\$ 695,467	\$ 708,397	\$ 715,579	\$ 781,685	\$ 744,061	\$ 730,810	\$ 733,387
Inland Oil Spills	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 14,974	\$ 14,967	\$ 15,000	\$ 15,480	\$ 16,113	\$ 15,872	\$ 15,629	\$ 15,734
B&F	\$ 109,582	\$ 87,220	\$ 109,420	\$ 56,948	\$ 62,362	\$ 23,878	\$ 25,318	\$ 42,639	\$ 39,764	\$ 38,688	\$ 39,626	\$ 39,626
IG	\$ 28,500	\$ 28,500	\$ 28,501	\$ 31,154	\$ 32,380	\$ 34,019	\$ 34,019	\$ 35,766	\$ 37,336	\$ 37,696	\$ 36,904	\$ 37,172
STAG - Categorical Grants	\$ 658,000	\$ 674,207	\$ 745,000	\$ 880,000	\$ 885,000	\$ 1,005,782	\$ 1,079,376	\$ 1,142,902	\$ 1,168,266	\$ 1,138,416	\$ 1,113,075	\$ 1,113,075
PRO (formerly S&E)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
AC&C	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
R&D	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Emanifest System Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Trust Funds</b>	\$ 1,356,474	\$ 1,454,245	\$ 1,565,000	\$ 1,572,500	\$ 1,469,760	\$ 1,339,143	\$ 1,384,292	\$ 1,336,459	\$ 1,333,089	\$ 1,316,917	\$ 1,314,027	\$ 1,327,132
Superfund	\$ 1,310,847	\$ 1,394,245	\$ 1,500,000	\$ 1,500,000	\$ 1,400,000	\$ 1,267,296	\$ 1,311,292	\$ 1,264,616	\$ 1,257,537	\$ 1,247,477	\$ 1,242,074	\$ 1,255,097
LUST	\$ 45,827	\$ 60,000	\$ 65,000	\$ 72,500	\$ 69,760	\$ 71,937	\$ 73,000	\$ 71,843	\$ 75,552	\$ 69,440	\$ 71,953	\$ 72,035
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Infrastructure Financing:</b>	\$ 2,155,000	\$ 2,236,000	\$ 2,468,125	\$ 2,528,050	\$ 2,560,765	\$ 2,635,559	\$ 2,658,900	\$ 2,692,002	\$ 2,709,121	\$ 2,436,932	\$ 2,100,634	\$ 2,100,634
Construction Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Clean Water SRF	\$ 1,348,500	\$ 625,000	\$ 1,350,000	\$ 1,350,000	\$ 1,345,421	\$ 1,347,030	\$ 1,350,000	\$ 1,341,225	\$ 1,342,035	\$ 1,091,200	\$ 886,759	\$ 1,083,817
Drinking Water SRF	\$ 500,000	\$ 1,275,000	\$ 725,000	\$ 775,000	\$ 820,000	\$ 823,185	\$ 850,000	\$ 844,475	\$ 844,985	\$ 843,200	\$ 837,495	\$ 837,495
WIFIA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other	\$ 306,500	\$ 336,000	\$ 393,125	\$ 403,050	\$ 395,344	\$ 465,344	\$ 458,900	\$ 506,302	\$ 522,101	\$ 502,532	\$ 376,380	\$ 179,322
<b>Cancellation of Funds</b>											\$ (80,000)	\$ -
<b>TOTAL</b>	\$ 6,522,953	\$ 6,799,393	\$ 7,363,046	\$ 7,590,352	\$ 7,562,811	\$ 7,832,211	\$ 8,078,813	\$ 8,078,703	\$ 8,365,420	\$ 8,023,483	\$ 7,617,416	\$ 7,725,130

## Actual FTE

Category	FY 1996 Actuals	FY 1997 Actuals	FY 1998 Actuals	FY 1999 Actuals	FY 2000 Actuals	FY 2001 Actuals	FY 2002 Actuals	FY 2003 Actuals	FY 2004 Actuals	FY 2005 Actuals	FY 2006 Actuals	FY 2007 Actuals
Operating Programs	13,580	13,796	14,290	14,580	14,430	14,341	14,364	14,471	14,367	14,314	14,230	13,943
Trust Funds	3,502	3,356	3,449	3,530	3,296	3,217	3,226	3,270	3,244	3,181	3,125	3,129
<b>TOTAL</b>	<b>17,082</b>	<b>17,152</b>	<b>17,739</b>	<b>18,110</b>	<b>17,726</b>	<b>17,558</b>	<b>17,590</b>	<b>17,741</b>	<b>17,611</b>	<b>17,495</b>	<b>17,355</b>	<b>17,072</b>

### Notes:

Superfund transfer resources are in the superfund appropriation.  
 Superfund transfer FTE are in their respective S&T and IG appropriations.  
 FY 98 had line-item vetoes that were restored later in the fiscal year  
 FY 99 had an omnibus bill that increased Boston Harbor and CCTI  
 FY 00 rescission of 0.38%  
 FY 01 rescission of 0.22%  
 FY 02 includes HS supplemental of 175.6M.

FY 03 rescission of 0.65%  
 FY 04 rescission of 0.59%  
 FY 03 and 04 include proposed new legislation for retirement benefits and health care costs  
 FY 06 rescission of 0.476% and an additional 1% reduction, also excludes hurricane supplemental.  
 FY 08 rescission of 1.56%  
 FY 08 Resource totals include \$10.828 M in Specified Infrastructure Grants for Hunter's Point, CA & Tar Creek, OK.



# EPA Funding and FTE History

(Dollars in Thousands)

## Funding

Account	FY 2008 Approp	FY 2009 Approp	FY 2009 ARRA	FY 2010 Approp	FY 2011 Approp	FY 2012 Approp	FY 2013 Approp	FY 2014 Approp	FY 2015 Approp	FY 2016 Approp	FY 2017 ACR	FY 2018 PresBud
<b>Operating Programs</b>	\$ 4,258,799	\$ 4,374,464	\$ 101,500	\$ 5,056,445	\$ 4,773,654	\$ 4,657,311	\$ 4,378,726	\$ 4,535,882	\$ 4,508,394	\$ 4,556,657	\$ 4,547,994	\$ 2,858,388
EPM	\$ 2,327,962	\$ 2,392,079	\$ 81,500	\$ 2,993,779	\$ 2,756,470	\$ 2,678,222	\$ 2,511,406	\$ 2,624,149	\$ 2,613,879	\$ 2,635,279	\$ 2,630,269	\$ 1,717,484
S&T	\$ 760,084	\$ 790,051	\$ -	\$ 846,049	\$ 813,480	\$ 793,728	\$ 743,791	\$ 759,156	\$ 734,648	\$ 734,648	\$ 733,251	\$ 450,812
Inland Oil Spills	\$ 17,056	\$ 17,687	\$ -	\$ 18,379	\$ 18,342	\$ 18,245	\$ 17,291	\$ 18,209	\$ 18,209	\$ 18,209	\$ 18,175	\$ 15,717
B&F	\$ 34,258	\$ 35,001	\$ -	\$ 37,001	\$ 36,428	\$ 36,370	\$ 34,467	\$ 34,467	\$ 42,317	\$ 42,317	\$ 42,236	\$ 39,553
IG	\$ 41,099	\$ 44,791	\$ 20,000	\$ 44,791	\$ 44,701	\$ 41,933	\$ 39,740	\$ 41,849	\$ 41,489	\$ 41,489	\$ 41,410	\$ 37,475
STAG - Categorical Grants	\$ 1,078,340	\$ 1,094,855	\$ -	\$ 1,116,446	\$ 1,104,233	\$ 1,088,813	\$ 1,032,031	\$ 1,054,378	\$ 1,054,378	\$ 1,081,041	\$ 1,078,986	\$ 597,347
PRO (formerly S&E)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
AC&C	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
R&D	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Emanifest System Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,674	\$ 3,674	\$ 3,674	\$ 3,667	\$ -
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Trust Funds</b>	\$ 1,359,814	\$ 1,397,601	\$ 779,000	\$ 1,419,642	\$ 1,393,783	\$ 1,317,950	\$ 1,211,963	\$ 1,183,335	\$ 1,180,710	\$ 1,186,110	\$ 1,183,854	\$ 809,492
Superfund	\$ 1,253,998	\$ 1,295,024	\$ 592,000	\$ 1,308,541	\$ 1,280,908	\$ 1,213,808	\$ 1,113,268	\$ 1,088,769	\$ 1,088,769	\$ 1,094,169	\$ 1,092,088	\$ 762,063
LUST	\$ 105,816	\$ 112,577	\$ 197,000	\$ 113,101	\$ 112,875	\$ 104,142	\$ 98,695	\$ 94,566	\$ 91,941	\$ 91,941	\$ 91,766	\$ 47,429
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Infrastructure Financing:</b>	\$ 1,858,711	\$ 1,881,609	\$ 6,339,500	\$ 3,861,777	\$ 2,654,680	\$ 2,524,124	\$ 2,360,415	\$ 2,480,783	\$ 2,490,783	\$ 2,437,120	\$ 2,652,487	\$ 2,356,120
Construction Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Clean Water SRF	\$ 689,080	\$ 689,080	\$ 3,969,000	\$ 2,100,000	\$ 1,521,950	\$ 1,466,456	\$ 1,376,082	\$ 1,448,887	\$ 1,448,887	\$ 1,393,887	\$ 1,391,237	\$ 1,393,887
Drinking Water SRF	\$ 629,029	\$ 629,029	\$ 1,980,000	\$ 1,387,000	\$ 963,070	\$ 917,892	\$ 861,326	\$ 906,896	\$ 906,896	\$ 863,233	\$ 861,592	\$ 863,233
WIFIA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Other	\$ 340,602	\$ 363,500	\$ 390,500	\$ 374,777	\$ 169,660	\$ 139,776	\$ 123,007	\$ 125,000	\$ 135,000	\$ 180,000	\$ 179,658	\$ 79,000
<b>Cancellation of Funds</b>	\$ (5,000)	\$ (10,000)	\$ -	\$ (40,000)	\$ (140,000)	\$ (50,000)	\$ (50,000)	\$ -	\$ (40,000)	\$ (40,000)	\$ (40,000)	\$ (369,000)
<b>TOTAL</b>	\$ 7,472,324	\$ 7,643,674	\$ 7,220,000	\$ 10,297,864	\$ 8,682,117	\$ 8,449,385	\$ 7,901,104	\$ 8,200,000	\$ 8,139,887	\$ 8,139,887	\$ 8,244,335	\$ 5,655,000

## Actual FTE

Category	FY 2008 Actuals	FY 2009 Actuals	ARRA Actuals	FY 2010 Actuals	FY 2011 Actuals	FY 2012 Actuals	FY 2013 Actuals	FY 2014 Actuals	FY 2015 Actuals	FY 2016 Actuals	FY 2017 ACR	FY 2018 PresBud
Operating Programs	13,946	13,725	61	14,194	14,268	13,999	13,046	12,663	12,118	12,168	12,821	9,511
Trust Funds	2,970	3,283	0	3,084	3,092	3,107	2,888	2,745	2,607	2,610	2,595	2,101
<b>TOTAL</b>	<b>16,916</b>	<b>16,988</b>	<b>62</b>	<b>17,278</b>	<b>17,359</b>	<b>17,106</b>	<b>15,913</b>	<b>15,408</b>	<b>14,725</b>	<b>14,778</b>	<b>15,416</b>	<b>11,611</b>

### Notes:

\*Other in Operating Programs was Overseas Scientific account, except in FY 80, when it was U.S. Regulatory Council  
 Superfund transfer resources are in the superfund appropriation  
 Superfund transfer FTE are in their respective S&T and IG appropriations  
 FY 09 and FY 10 resource totals include \$8M in Specified Infrastructure Grants for Hunter's Point, CA  
 FY 10 and FY 11 FTE levels do not include estimated obligations of Recovery Act resources  
 FY 10 Excludes \$2 million in Oil Supplemental  
 FY 11 rescission of 0.2%

FY 12 rescission of 0.16%  
 FY 13 rescission of 0.2% and sequestration  
 Hurricane Sandy relief supplemental resources are excluded from resource totals  
 Hurricane Sandy relief supplemental FTE are included in FTE totals  
 FY 17 President Budget Operating Programs includes Infrastructure Financing FTE



Jeff Landry  
Attorney General

**State of Louisiana**  
DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
P.O. BOX 94005  
BATON ROUGE  
70804-9005

March 14, 2017

**VIA FACSIMILE-CERTIFIED MAIL-EMAIL**

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Mail Code: 1101A  
Washington, DC 20460  
[pruitt.scott@epa.gov](mailto:pruitt.scott@epa.gov)  
Fax No: 202-564-6392

The Honorable Barry Breen  
Acting Assistant Administrator  
Office of Land and Emergency Management  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Mail Code: 5101T  
Washington, DC 20460  
[breen.barry@epa.gov](mailto:breen.barry@epa.gov)

**Re: Petition for Reconsideration and Stay**

Dear Administrator Pruitt and Acting Assistant Administrator Breen:

Please find attached a Petition for Reconsideration and Stay filed on behalf of the States of Louisiana, Arizona, Arkansas, Florida, Kansas, Texas, Oklahoma, South Carolina, Wisconsin, West Virginia, and the Commonwealth of Kentucky by and through Governor Matthew Bevin, with respect to the rule entitled *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Final Rule*, 82 Fed. Reg. 4594 (Jan. 13, 2017), Docket No. EPA-HQ-OEM-2015-0725.

Please contact me at [murrille@ag.louisiana.gov](mailto:murrille@ag.louisiana.gov) or 225-326-6676. Our States would appreciate the opportunity to discuss the concerns with this rule outlined in the attached petition at your earliest convenience.

Sincerely,

Elizabeth Baker Murrill

Attachment



**BEFORE THE ADMINISTRATOR  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

IN RE: ACCIDENTAL RELEASE PREVENTION  
REQUIREMENTS: RISK MANAGEMENT  
PROGRAMS UNDER THE CLEAN AIR ACT,  
FINAL RULE, 82 FED. REG. 4595  
(JAN. 13, 2017)

)  
)  
) DOCKET No.  
) EPA-HQ-OEM-2015-0725  
)  
)  
)

**PETITION FOR RECONSIDERATION AND STAY**

*Submitted by*

**THE STATES OF LOUISIANA, ARIZONA, ARKANSAS, FLORIDA, KANSAS,  
TEXAS, OKLAHOMA, SOUTH CAROLINA, WISCONSIN, WEST VIRGINIA, AND  
THE COMMONWEALTH OF KENTUCKY BY AND THROUGH GOVERNOR  
MATTHEW BEVIN**

JEFF LANDRY  
ATTORNEY GENERAL OF LOUISIANA  
ELIZABETH BAKER MURRILL  
SOLICITOR GENERAL  
STATE OF LOUISIANA  
1885 THIRD ST.  
BATON ROUGE, LA 70802  
(225) 326-6766  
MURRILLE@AG.LOUISIANA.GOV

STEVEN "BEAUX" JONES  
HARRY J. VORHOFF  
ASSISTANT SOLICITOR GENERALS  
STATE OF LOUISIANA  
1885 THIRD ST.  
BATON ROUGE, LA 70802  
(225) 326-6000  
JONESST@AG.LOUISIANA.GOV  
VORHOFFH@AG.LOUISIANA.GOV

LESLIE RUTLEDGE  
ATTORNEY GENERAL OF ARKANSAS

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

MARK BRNOVICH  
ATTORNEY GENERAL OF ARIZONA

ALAN WILSON  
ATTORNEY GENERAL OF SOUTH  
CAROLINA

PAMELA JO BONDI  
ATTORNEY GENERAL OF FLORIDA

KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

DEREK SCHMIDT  
ATTORNEY GENERAL OF KANSAS

PATRICK MORRISEY  
ATTORNEY GENERAL OF WEST VIRGINIA

COMMONWEALTH OF KENTUCKY, BY AND  
THROUGH GOVERNOR MATTHEW G.  
BEVIN

BRAD SCHIMEL  
ATTORNEY GENERAL OF WISCONSIN

## I. INTRODUCTION

Pursuant to Section 307(d)(7)(B) of the Clean Air Act (CAA or the Act)<sup>1</sup> and the Administrative Procedure Act (APA),<sup>2</sup> the States of Louisiana, Arizona, Arkansas, Florida, Kansas, Texas, Oklahoma, South Carolina, Wisconsin, West Virginia, and the Commonwealth of Kentucky by and through Governor Matthew Bevin (collectively “the States”) respectfully petition the U.S. Environmental Protection Agency (EPA or the Agency) to reconsider the nationally applicable final action entitled, *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Final Rule*, 82 Fed. Reg. 4594 (Jan. 13, 2017), codified at 40 C.F.R. Part 68, Docket No. EPA-HQ-OEM-2015-0725 (RMP Rule or the rule).

The States recognize that EPA has already issued a three-month administrative stay of the effective date of the RMP Rule and has determined to convene proceedings to reconsider the rule, re-opening it for public comment. The States support this decision and further request that EPA issue a rule deferring the RMP Rule’s effective date and tolling compliance dates beyond this period, until 18 months from March 21, 2017.<sup>3</sup> Doing so would prevent needless expenditures by states and localities in order to meet their obligations under provisions of the rule that are potentially subject to change.

The States request reconsideration of the rule because it not only creates extensive new requirements that will burden emergency responders as well as state and local governments without commensurate benefit, it requires unprecedented public disclosure of facility information that will threaten local communities and homeland security. The States believe that the existing RMP regulations are adequate to ensure the protection of the public from accidental releases from covered facilities and encourage EPA to carefully reconsider the necessity of the rule.

## II. Factual and Regulatory History

EPA finalized extensive new RMP regulations that were published in the *Federal Register* on January 13, 2017,<sup>4</sup> following the issuance of a Proposed Rule in March 2016.<sup>5</sup> In response to the Proposed Rule, EPA received numerous comments from members of the public, government agencies, organizations responsible for emergency response and planning, and regulated entities. These commenters—which included current EPA Administrator Scott Pruitt, then the Attorney General (AG) of Oklahoma, as well as AGs from Louisiana, Kansas, Alabama, Nevada, Arizona, South Carolina, Arkansas, Utah, Florida, Wisconsin, Texas, and Georgia, many of which are also petitioners here—expressed significant concerns with the proposed information disclosure requirements and other aspects of the Proposed Rule. They pointed out the potential threats to homeland security and local communities in the Proposed Rule’s provisions that would require security-sensitive information about chemical facilities to be

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<sup>1</sup> 42 U.S.C. § 7607(d)(7)(B).

<sup>2</sup> 5 U.S.C. § 551 *et seq.*

<sup>3</sup> In the alternative, the States request that EPA stay the rule beyond the three-month period pursuant to APA Section 705. 5 U.S.C. § 705.

<sup>4</sup> EPA, *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Final Rule*, 82 Fed. Reg. 4594 (Jan. 13, 2017).

<sup>5</sup> EPA, *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Proposed Rule*, 81 Fed. Reg. 13,638 (Mar. 14, 2016) (Proposed Rule).

publicly disclosed without providing for any screening of requesters or protections for the information disclosed. They also pointed out the numerous burdens, unjustified by clear safety benefits, that would be imposed by the rule upon regulated facilities, local emergency responders, and state governments.<sup>6</sup>

Nevertheless, EPA finalized the provisions in the Proposed Rule with only limited modifications to address commenters' concerns. In some instances, the provisions of the RMP Rule as finalized increased the risks and burdens to states, local communities, responders, and regulated entities rather than fixing the problems in the Proposed Rule. In recognition of the many problems with the rule, on March 13, 2017 EPA decided to convene proceedings to reconsider the rule and took action to delay its effective date until June 19, 2017.<sup>7</sup>

The States have numerous companies within their respective geographical regions that are engaged in the refining, oil and gas, chemicals, agricultural, and general manufacturing sectors subject to the RMP rule, which cuts a very broad swath. The States participated in EPA's proceedings leading to issuance of the RMP Rule, having filed comments in response to the Proposed Rule.<sup>8</sup> EPA did not conduct any outreach to its state partners following submittal of their comments or transmission of the July 27, 2016 Pruitt Letter to Administrator McCarthy. Therefore, Louisiana and Kansas, on behalf of all the commenting states, took the additional step of requesting a teleconference meeting with the Office of Management and Budget (OMB), which was held on November 29, 2016, to raise concerns regarding the inadequate consideration of increased security risks, the lack of coordination with post-9/11 command structures, the lack of any real explanation or understanding of the impact of the exercise requirements, and the unfunded mandates and costs imposed as a consequence of the RMP Rule.

The States believe that the rule would *not* streamline regulation and would *not* make it more efficient. The States strongly believe and have previously commented that the new RMP Rule is a deeply flawed approach that is detrimental not only to chemical safety but also to the safety of our communities as a whole. The rule changes, developed with a goal of ensuring greater safety, instead create significantly greater risk. The RMP Rule threatens homeland security and local communities by requiring sensitive information about chemical and other facilities to be publicly disclosed without adequate safeguards and without any demonstrable benefits. Eleventh-hour revisions EPA made to the RMP Rule did not address or resolve this major flaw. The rule also imposes upon regulated facilities, local emergency responders, and state governments numerous new regulatory burdens without any identifiable benefits. The States believe these requirements reveal a serious flaw with potentially fatal consequences—a

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<sup>6</sup> See Letter from Jeff Landry and Ken Paxton, Attorneys General of Louisiana and Texas, to Hon. Gina McCarthy, Adm'r, EPA (May 3, 2016), EPA Docket No. EPA-HQ-OEM-2015-0725-0433, *available at* <https://www.regulations.gov/document?D=EPA-HQ-OEM-2015-0725-0433> ("Landry and Paxton Letter"); Letter from Scott Pruitt, Attorney General, State of Oklahoma, *et al.* to Gina McCarthy, Adm'r, EPA (July 27, 2016), EPA Docket No. EPA-HQ-OEM-2015-0725-0624, *available at* <https://www.regulations.gov/document?D=EPA-HQ-OEM-2015-0725-0624> ("Pruitt Letter") (Attached).

<sup>7</sup> See EPA, *Further Delay of Effective Date for the Final Rule Entitled "Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act"* Published by the Environmental Protection Agency on January 13, 2017; *Final rule; Delay of Effective Date* (pre-publication version issued Mar. 13, 2017).

<sup>8</sup> See *id.*

top-down approach to incident and emergency response by drafters of the Rule who lack real experience in incident response that could have a cost in loss of life and property.

The States appreciate EPA's recent decision to reconsider the RMP Rule, and we urge the Agency to repeal or significantly revise the rule on reconsideration.

### **III. Detailed Explanation of Reconsideration Request**

#### **A. The Information Disclosure Provisions in the RMP Rule Threaten Homeland Security by Making Covered Facilities Less Safe.**

The RMP Rule requires facilities to provide to local emergency planning and response organizations "any . . . information" such organizations deem "relevant" to local emergency response planning.<sup>9</sup> It also requires facilities to provide specific types of information to the public upon request (within 45 days of receiving the request) and to provide ongoing notification of availability of facility information on company websites, social medial platforms, or through some other publicly accessible means.<sup>10</sup> Further, the rule requires all facilities to hold a public meeting for the local community within 90 days of an RMP reportable accident.<sup>11</sup>

These provisions favor public disclosure of facility information in all circumstances, without common-sense protections for sensitive security information that could be used to harm facilities and their surrounding communities if the information falls into the wrong hands. The consequences of such an event could be quite serious and wide reaching, as many of these facilities are near or inside large population centers, government facilities, ports, schools, and water supplies, to name only a few.<sup>12</sup> On reconsideration, EPA should repeal or substantially modify these provisions because they present substantial threats to homeland security and critical infrastructure, and because they:

- Require facilities to provide the requested information automatically without any mechanisms for a facility to appeal or otherwise seek review of requests on issues such as whether information requested is truly "relevant" to local emergency response planning;
- Contain no screening process for requesters, nor limitations on the use and/or distribution of the information (such as a reading room or read-only format);
- Potentially conflict with the express or implicit restrictions contained in other anti-terrorism laws;
- Take a dismissive, top-down approach to rulemaking by ignoring comments from people who are on the ground responding to terrorist incidents and other disasters,

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<sup>9</sup> 40 C.F.R. § 68.93(b).

<sup>10</sup> 40 C.F.R. §§ 68.210(b); (c).

<sup>11</sup> 40 C.F.R. § 68.210(e).

<sup>12</sup> An attack on these facilities also exposes first responders to secondary attack in responding to the event.



constituting a dangerous approach to issues with national security implications and potentially fatal consequences;

- Ignore the numerous comments submitted by State AGs, the Department of Homeland Security (DHS) and other stakeholders regarding the inherent public safety and security risks in requiring unfettered public disclosure of sensitive facility information;<sup>13</sup> and
- Expand upon the provisions in the Proposed Rule (increasing the safety and security risks of the proposal in some instances), depriving stakeholders of the ability to comment on the significant implications of the rule as finalized.

**B. The Coordination and Emergency Response Provisions in the Rule Constitute Unfunded Mandates that Impose Unjustified Burdens on State and Local Emergency Response and Planning Organizations.**

The RMP Rule contains extensive new emergency response provisions that require facilities to consult and coordinate with local emergency response and planning organizations, encouraging their participation in facility emergency exercises and obliging facility owners to provide them with voluminous facility information. Numerous commenters on the Proposed Rule pointed to the significant burdens that such provisions would place on state and local emergency response personnel.<sup>14</sup> Without any provision for funding support of state and local emergency response entities, the RMP Rule imposes unfunded mandates and drains the resources of the entities that need them most—those charged with community emergency response.

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<sup>13</sup> See, e.g., EPA, Interagency Communications Regarding EO 12866 Interagency Review of Risk Management Modernization, RIN 2050-AG8, *Summary of Interagency Working Group Comments on Draft Language Under EO 12866/13563 Interagency Review*, at 8-9 (Jan. 13, 2016), EPA Docket No. EPA-HQ-OEM-2015-0725-0007 (Interagency Review of Risk Management Modernization), available at <https://www.regulations.gov/document?D=EPA-HQ-OEM-2015-0725-0007> (federal agency that the information sharing mandated by the provisions in the Proposed Rule “is essentially providing a listing of vulnerabilities” that “could be used by a terrorist to either target a certain facility or the vulnerabilities could be exploited to increase the magnitude of an attack”); see also Landry and Paxton Letter, *supra* note 6 (raising “serious concerns” with several aspects of EPA’s proposal, including information dissemination, stating the “information sharing provisions give us great pause” and noting that release of the information mandated by the rule would do “nothing to prevent accidents or reduce potential harm, but likely increases the vulnerability of multiple facilities”); Pruitt Letter, *supra* note 6 (noting further security concerns with the rule and expressing their support of the Louisiana and Texas AG comments). None of these considerations were adequately addressed by the EPA, and in fact were summarily dismissed, raising serious questions as to the actual motivations behind the rule. It is difficult to imagine a reason that could justify EPA in overriding the Congressional concerns about terrorism threats and replacing that judgment with its own.

<sup>14</sup> The National Association of SARA Title III Program Officials (NASTTPO), for example, commented that the facility exercise requirements would “place[] a substantial burden on [Local Emergency Planning Committees (LEPCs)] and response agencies, especially as these organizations are routinely composed of volunteers.” Comments of the NASTTPO on the *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Proposed Rule*, 81 Fed. Reg. 13,638 (Mar. 14, 2016), dated May 12, 2016, Docket No. EPA-HQ-OEM-2015-0725-0594, at 8, available at <https://www.regulations.gov/document?D=EPA-HQ-OEM-2015-0725-0510>.

Various State and other entities raised these concerns during the comment period,<sup>15</sup> and they largely went unaddressed by EPA. These concerns remain and should be addressed by EPA on reconsideration, specifically:

- EPA has acknowledged that the new coordination and emergency response exercise requirements will result in significant cost and personnel burdens,<sup>16</sup> including on response organizations, but has not addressed sources of funding or even quantifiable benefits from the rule in order to offset such costs;
- In the rule's provisions on emergency response coordination, EPA has failed to take into account the overlapping requirements of Emergency Planning and Community Right to Know Act (EPCRA) and other laws touching upon emergency response, as well as state and local organizations' current emergency preparation and management plans and procedures;<sup>17</sup>
- EPA has failed to properly assess the *actual demands and additional staffing* that compliance with these requirements will impose upon already-overtaxed, under-funded state and local response and planning organizations, reflecting a rulemaking process completely bereft of a *realistic* assessment and acknowledgement of the *costs* of compliance (including that the rule's requirements would be ongoing, even while states may be in an active response mode during a declared disaster);
- EPA has made an unrealistic binary distinction between "responding" and "non-responding" sources, ignoring the reality in most communities, there is a "hybrid" model for response, in which some response functions are handled by internal resources and others by community responders; and
- EPA has made facility exercise and coordination requirements too rigid, creating substantial burdens on state and local response organizations without showing commensurate benefits.

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<sup>15</sup> See, e.g., Comments of Scott A. Thompson, Oklahoma Dep't of Env'tl. Quality (DEQ) on the *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Proposed Rule*, 81 Fed. Reg. 13,638 (Mar. 14, 2016), dated May 13, 2016, Docket No. EPA-HQ-OEM-2015-0725-0594, at 1, available at <https://www.regulations.gov/document?D=EPA-HQ-OEM-2015-0725-0490> (noting that while the Oklahoma DEQ was in favor of increasing coordination between RMP facilities and local responders, "DEQ feels strongly that LEPCs already have a significant burden placed upon them with no federal funding included").

<sup>16</sup> See 82 Fed. Reg. at 4661 ("EPA notes that its own regulatory impact analysis for the NPRM projected the emergency response exercise provisions to be the costliest provision of the NPRM."); see also EPA, *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7); Regulatory Impact Analysis* (RIA), at 9, Ex. B (Dec. 16, 2016), EPA Docket No. EPA-HQ-OEM-2015-0725-0734, available at <https://www.regulations.gov/document?D=EPA-HQ-OEM-2015-0725-0734>, (showing total undiscounted exercise costs of \$247.4 million, the second most expensive provision in the rule).

<sup>17</sup> The States advised OMB and EPA that LEPCs are not integrated into a post-9/11 command structure and have little to no independent resources. The assumption that LEPCs operate similarly across the country would be a deeply flawed assumption. EPA demonstrated a deep lack of any practical knowledge or understanding of LEPCs actual functions and resources.

In light of these concerns, the States submit that on reconsideration EPA should consider fully the extent of the burdens imposed on state and local emergency response resources and engage in a more meaningful exchange with States regarding the implementation of existing rules.

**C. The RMP Rule Is Unsupported by Accurate Costs and Benefits Estimates, as Required Under Applicable Laws.**

Contrary to its obligations under Executive Order 13563 and other directives applicable to the rulemaking process, EPA has not supported its rulemaking efforts in this instance by an accurate and thorough estimate of the costs and benefits of the RMP Rule. The States request that EPA undertake upon reconsideration a careful review of the rule's implementation costs, in particular the collective burdens on States and localities. Moreover, EPA must recognize that many communities have differing levels of resource availability and experienced personnel, which will result in different cost impacts at the State level. EPA *grossly* understated costs and *completely* ignored significantly increased burdens on Local Emergency Planning Committees (LEPCs) (which have no resources) and State and local first responders, which alone should have warranted OMB disapproval of the rule. Further, EPA's analysis reflects a failure to fulfill its obligations under the Small Business Regulatory Enforcement Fairness Act (SBREFA), in neglecting to fully account for the impacts of the rule on small businesses.

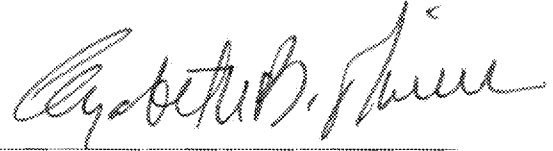
Further, EPA does not *meaningfully* estimate benefits, instead making unsupported conclusory statements dismissive of State concerns. The States request that EPA re-visit its cost-benefit analysis, including consideration of any potential drawbacks of the rule (*i.e.* potential adverse consequences associated with the information disclosure provisions and obligations imposed upon state and local responders).

**D. EPA Should Carefully Reconsider and Substantially Revise or Repeal the RMP Rule Revisions.**

As EPA has already acknowledged, the criteria for convening a reconsideration proceeding are met here. First, several of the issues noted above were finalized in the RMP Rule without being offered for comment in the Proposed Rule. Second, with respect to those provisions that were available for comment, the RMP Rule as finalized reflects that EPA dismissed without explanation or overlooked entirely significant and substantial comments offered by the States and other stakeholders. Because the provisions at issue are of central relevance to this rulemaking, reconsideration and rescission is warranted.

#### IV. Conclusion

The States appreciate EPA's decision to stay the rule for three months and to convene a reconsideration proceeding to address the issues outlined above. The States also request that you expeditiously complete a rule that delays the effectiveness and the compliance dates in the rule beyond the three-month stay issued on March 13, 2017. This will allow for the completion of the reconsideration process while the States' petition for judicial review is pending. The States look forward to meeting to discuss potential resolution of the concerns with the final rule stated above.

A handwritten signature in black ink, reading "Elizabeth B. Murrill", written over a horizontal dotted line.

Elizabeth Baker Murrill



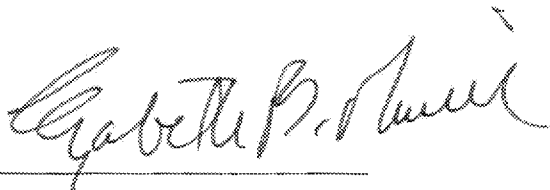
## CERTIFICATE OF SERVICE

A copy of the preceding was sent on March 14, 2017 to the Honorable Scott Pruitt *via* facsimile, certified mail and email. In addition, a copy was also sent to the Honorable Barry Breen and the Honorable Kevin Minoli *via* certified mail and email.

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Mail Code: 1101A  
Washington, DC 20460  
[pruitt.scott@epa.gov](mailto:pruitt.scott@epa.gov)  
Fax No: 202-501-1450

The Honorable Barry Breen  
Acting Assistant Administrator  
Office of Land and Emergency Management  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Mail Code: 5101T  
Washington, DC 20460  
[breen.barry@epa.gov](mailto:breen.barry@epa.gov)

The Honorable Kevin Minoli  
Acting General Counsel  
U.S. Environmental Protection Agency  
Correspondence Control Unit  
Office of General Counsel  
1200 Pennsylvania Avenue, NW  
Mail Code: 2310A  
Washington, DC 20460  
[minoli.kevin@epa.gov](mailto:minoli.kevin@epa.gov)



Elizabeth Baker Murrill

**To:** Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bolen, Derrick[bolen.derrick@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Dourson, Michael[dourson.michael@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Feeley, Drew (Robert)[Feeley.Drew@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Gordon, Stephen[gordon.stephen@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Harlow, David[harlow.david@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lovell, Will (William)[lovell.william@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Sands, Jeffrey[sands.jeffrey@epa.gov]; Schwab, Justin[Schwab.Justin@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; White, Elizabeth[white.elizabeth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]; Benevento, Douglas[benevento.douglas@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Glenn, Trey[Glenn.Trey@epa.gov]; Gulliford, Jim[gulliford.jim@epa.gov]; Lopez, Peter[lopez.peter@epa.gov]; Servidio, Cosmo[Servidio.Cosmo@epa.gov]; Stepp, Cathy[stepp.cathy@epa.gov]

**From:** Ford, Hayley  
**Sent:** Mon 10/30/2017 4:12:44 PM  
**Subject:** Agency Weekly Report 10.30.17  
[Weekly Report 10.27.2017.docx](#)

See attached for the weekly report.

Thanks!

**Hayley Ford**

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: Ex. 6 - Personal Privacy



# Ex. 5 - Deliberative Process

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## Ex. 5 - Deliberative Process

### **Tar Creek Superfund Site, Miami, Oklahoma (Collaborative Federalism)**

Sampling will continue in Operable Unit 5 during the week of October 30 through November 3, 2017, in order to collect data related to characterization of and potential risk related to sediment and surface water within the Tristate Watershed investigation area. This field event is being accomplished through joint coordination and cooperation with Region 7, three states (Oklahoma, Missouri, Kansas), eight Tribes (Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee), and other federal and state agencies (U.S. Fish and Wildlife, U.S. Geological Survey, Oklahoma Department of Wildlife). The project area consists of seven watersheds and covers approximately 437 square miles and 119 river miles.

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**From:** Burton, Tamika  
**Sent:** Fri 4/13/2018 6:14:37 PM  
**Subject:** Weekly Report 4.13.2018  
[Weekly Report 04.13.2017.pdf](#)  
[Weekly Report 04.13.2017.docx](#)

Good Afternoon,

Please see the attached Weekly Report.

Have a great weekend!

***Tamika Burton***

***Staff Assistant to the Deputy Administrator***

***Immediate Office of the Administrator***

***MC 1104A Room 3412 WJC North***

Ex. 6 - Personal Privacy

***burton.tamika@epa.gov***





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## Ex. 5 - Deliberative Process

- Five new FOIA lawsuits were filed April 5-9, 2018 (all D.D.C.), all alleging EPA failed to respond to FOIA requests:

## Ex. 5 - Deliberative Process

- *Campaign for Accountability v. EPA*, No. 1:18cv783, seeking communications between anyone in the Office of Administrator and the Oklahoma Attorney General's office, and certain communications concerning the Tar Creek superfund site.

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## Ex. 5 - Deliberative Process

- Five new FOIA lawsuits were filed April 5-9, 2018 (all D.D.C.), all alleging EPA failed to respond to FOIA requests:

## Ex. 5 - Deliberative Process

- *Campaign for Accountability v. EPA*, No. 1:18cv783, seeking communications between anyone in the Office of Administrator and the Oklahoma Attorney General's office, and certain communications concerning the Tar Creek superfund site.

## Ex. 5 - Deliberative Process

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**To:** Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bolen, Derrick[bolen.derrick@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Dourson, Michael[dourson.michael@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Feeley, Drew (Robert)[Feeley.Drew@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Gordon, Stephen[gordon.stephen@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Harlow, David[harlow.david@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lovell, Will (William)[lovell.william@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Sands, Jeffrey[sands.jeffrey@epa.gov]; Schwab, Justin[Schwab.Justin@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; White, Elizabeth[white.elizabeth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]; Benevento, Douglas[benevento.douglas@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Glenn, Trey[Glenn.Trey@epa.gov]; Gulliford, Jim[gulliford.jim@epa.gov]; Lopez, Peter[lopez.peter@epa.gov]; Servidio, Cosmo[Servidio.Cosmo@epa.gov]; Stepp, Cathy[stepp.cathy@epa.gov]

**From:** Ford, Hayley  
**Sent:** Fri 11/3/2017 9:17:27 PM  
**Subject:** Weekly Report 11.3.17  
[Weekly Report 11.03.2017.docx](#)

See attached for weekly report. Thanks!

## Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: Ex. 6 - Personal Privacy

# Ex. 5 - Deliberative Process

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## **Ex. 5 - Deliberative Process**

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## Ex. 5 - Deliberative Process

### **Tar Creek Superfund Site, Quapaw, Oklahoma**

On November 7, 2017, representatives from two EPA Regions, the states, tribes, trustees and community/watershed groups will meet in Quapaw, Oklahoma, to discuss comments and concerns regarding work in the Tristate Mining District. Region 7 representatives will provide an update on remedial action progress in both Kansas and Missouri while representatives from Region 6, the Oklahoma Department of Environmental Quality, and the Quapaw will provide updates on remedial progress in Oklahoma. In addition, Region 6 will provide updates on the Operable Unit 5 remedial

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investigation, specifically related to data collection and review and discussion of human health risk assessment input parameters. The participants are expected to include Oklahoma, Kansas, Quapaw Tribe, Peoria Tribe, Wyandotte Nation, Miami Nation, Ottawa Tribe, Seneca-Cayuga Nation, Eastern Shawnee Tribe, Cherokee Nation, U.S. Fish and Wildlife, Region 7, Grand River Dam Authority, Local Environmental Action Demanded (LEAD) Agency, Grand Lake Watershed Alliance Foundation (GLWAF), and Spring River Watershed Restoration and Protection Strategy (Spring River WRAPs). Then on November 8, 2017, the EPA will meet with representatives from the Quapaw Tribe Environmental Office and the Oklahoma Department of Environmental Quality, in Quapaw, Oklahoma, to discuss the current and planned remedial actions for Operable Unit 4 (Mine Waste).

## Ex. 5 - Deliberative Process

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## **Ex. 5 - Deliberative Process**

**From:** Carroll, Carly  
**Sent:** Fri 11/3/2017 5:03:17 PM  
**Subject:** Weekly Report 11.03.2017.docx  
[Weekly Report 11.03.2017.docx](#)

Good Afternoon,

Please see the attached weekly report for the week ending 11.03.2017.

Best,

Carly Carroll

Special Assistant to the Acting Deputy Administrator

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

carroll.carly@epa.gov

# Ex. 5 - Deliberative Process

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investigation, specifically related to data collection and review and discussion of human health risk assessment input parameters. The participants are expected to include Oklahoma, Kansas, Quapaw Tribe, Peoria Tribe, Wyandotte Nation, Miami Nation, Ottawa Tribe, Seneca-Cayuga Nation, Eastern Shawnee Tribe, Cherokee Nation, U.S. Fish and Wildlife, Region 7, Grand River Dam Authority, Local Environmental Action Demanded (LEAD) Agency, Grand Lake Watershed Alliance Foundation (GLWAF), and Spring River Watershed Restoration and Protection Strategy (Spring River WRAPs). Then on November 8, 2017, the EPA will meet with representatives from the Quapaw Tribe Environmental Office and the Oklahoma Department of Environmental Quality, in Quapaw, Oklahoma, to discuss the current and planned remedial actions for Operable Unit 4 (Mine Waste).

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**To:** Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Feeley, Drew (Robert)[Feeley.Drew@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Gordon, Stephen[gordon.stephen@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Harlow, David[harlow.david@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lovell, Will (William)[lovell.william@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Schwab, Justin[Schwab.Justin@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; White, Elizabeth[white.elizabeth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]  
**Cc:** Dickerson, Aaron[dickerson.aaron@epa.gov]; Woodward, Cheryl[Woodward.Cheryl@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]  
**From:** Ford, Hayley  
**Sent:** Mon 10/9/2017 9:51:51 PM  
**Subject:** DRAFT LxL / NO COS Meeting Tomorrow  
Weekly Report 10.06.2017 final.docx  
October 10 - November 4 2017- Draft Line X Line.pdf

Draft LxL and weekly report attached. NO COS meeting in the morning.

Thanks!

**Hayley Ford**

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: Ex. 6 - Personal Privacy

**To:** Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bolen, Derrick[bolen.derrick@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Burke, Marcella[burke.marcella@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Dourson, Michael[dourson.michael@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Feeley, Drew (Robert)[Feeley.Drew@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Gordon, Stephen[gordon.stephen@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Harlow, David[harlow.david@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lovell, Will (William)[lovell.william@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Sands, Jeffrey[sands.jeffrey@epa.gov]; Schwab, Justin[Schwab.Justin@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Wehrum, Bill[Wehrum.Bill@epa.gov]; White, Elizabeth[white.elizabeth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]  
**Cc:** Dickerson, Aaron[dickerson.aaron@epa.gov]; Woodward, Cheryl[Woodward.Cheryl@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]  
**From:** Ford, Hayley  
**Sent:** Fri 11/17/2017 10:37:15 PM  
**Subject:** Draft LxL / Weekly Report  
Final Weekly Report 11.17.2017.docx  
November 20 - December 15 2017- Draft Line X Line.pdf

See attached for draft LxL and weekly report. Will update you this weekend on whether we have a brief COS meeting Monday morning.

Have a nice weekend!

**Hayley Ford**

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022



Ex. 6 - Personal Privacy

# Ex. 5 - Deliberative Process

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## Ex. 5 - Deliberative Process

- **ORD support to the Oklahoma Department of Environmental Quality (ODEQ) with soil amendment efforts at Tar Creek Superfund Site:** ORD's efforts will help the state evaluate the effectiveness of a soil amendment technology with regard to bioavailability at this site. ODEQ will collect soil samples that will undergo *in-vivo* animal testing and the speciation analysis by ORD.

## Ex. 5 - Deliberative Process



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**To:** 2017HQfirstassistants[2017HQfirstassistants@epa.gov];  
2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Dravis,  
Samantha[dravis.samantha@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Brown,  
Byron[brown.byron@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Lyons, Troy[lyons.troy@epa.gov];  
Flynn, Mike[Flynn.Mike@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Knapp,  
Kristien[Knapp.Kristien@epa.gov]; Threet, Derek[Threet.Derek@epa.gov]; Burden,  
Susan[Burden.Susan@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Grantham,  
Nancy[Grantham.Nancy@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Hupp,  
Millan[hupp.millan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Fonseca,  
Silvina[Fonseca.Silvina@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; Reeder,  
John[Reeder.John@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Darwin,  
Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Kelly,  
Albert[kelly.albert@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Bolen,  
Brittany[bolen.brittany@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]  
**From:** Knapp, Kristien  
**Sent:** Fri 7/21/2017 9:12:21 PM  
**Subject:** Weekly Report - July 21, 2017  
EPA Weekly Report July 21 2017.docx

Good afternoon,

Attached is the weekly report for July 21, 2017.

Thanks,

Kristien

Kristien Knapp

Special Assistant (OAR, OITA, OGC, OP)

Office of the Administrator

Ex. 6 - Personal Privacy

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## Ex. 5 - Deliberative Process

### **Tar Creek, Picher, Oklahoma**

Field sampling will be conducted the week of July 24, 2017, and will continue into August 2017. Samples collection will fill data gaps related to characterization of sediment and surface water within the Tristate area. This field event is being accomplished through joint coordination with Region 7, 3 states (Oklahoma, Missouri, Kansas), eight Tribes (Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee), and other federal and state agencies (US Fish and Wildlife, US Geological Survey, Oklahoma Department of Wildlife). The focus is to address sediments and surface water in perennial streams that may be impacted by mining operations. The project area consists of 7 watersheds and covers approximately 437 square miles and 119 river miles.

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# **Ex. 5 - Deliberative Process**

**To:** Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Chancellor, Erin  
**Sent:** Fri 6/22/2018 4:13:18 PM  
**Subject:** RE: Touching base regarding Monday  
PFAS Update.docx

If needed, here are the points from senior staff merged with the key messaging for the community engagement events.

**Erin E. Chancellor**

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

**Ex. 6 - Personal Privacy** (cell)

[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)

**From:** Beck, Nancy  
**Sent:** Friday, June 22, 2018 11:58 AM  
**To:** Chancellor, Erin <chancellor.erin@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** RE: Touching base regarding Monday

There are general PFOS talkers somewhere, OW had the lead.

Looping in Lincoln who should have them.

---

Nancy B. Beck, Ph.D., DABT

Deputy Assistant Administrator, OCSPP

P: 202-564-1273

M: Ex. 6 - Personal Privacy

[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

**From:** Chancellor, Erin  
**Sent:** Friday, June 22, 2018 11:29 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>  
**Subject:** RE: Touching base regarding Monday

Will do on Tar Creek!

**Erin E. Chancellor**

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

Ex. 6 - Personal Privacy (cell)

[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)

**From:** Bennett, Tate  
**Sent:** Friday, June 22, 2018 11:24 AM  
**To:** Chancellor, Erin <[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)>; Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>  
**Subject:** FW: Touching base regarding Monday

Don't kill me! Do you have any talkers on tar creek? Nancy, do you have anything on PFOS in general? This is for Monday. Last min trip!

**From:** Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]

**Sent:** Friday, June 22, 2018 11:22 AM

**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>

**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>;  
Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>

**Subject:** RE: Touching base regarding Monday

## Ex. 5 - Deliberative Process

**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
**Sent:** Thursday, June 21, 2018 4:13 PM  
**To:** Fenton Rood  
**Cc:** Jackson, Ryan; Kunding, Kelly  
**Subject:** Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)

**To:** Chancellor, Erin[chancellor.erin@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Beck, Nancy  
**Sent:** Fri 6/22/2018 3:58:25 PM  
**Subject:** RE: Touching base regarding Monday

There are general PFOS talkers somewhere, OW had the lead.

Looping in Lincoln who should have them.

---

Nancy B. Beck, Ph.D., DABT

Deputy Assistant Administrator, OCSPP

P: 202-564-1273

M: Ex. 6 - Personal Privacy

[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

**From:** Chancellor, Erin  
**Sent:** Friday, June 22, 2018 11:29 AM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>  
**Subject:** RE: Touching base regarding Monday

Will do on Tar Creek!

**Erin E. Chancellor**

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

Ex. 6 - Personal Privacy (cell)

[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)

**From:** Bennett, Tate  
**Sent:** Friday, June 22, 2018 11:24 AM  
**To:** Chancellor, Erin <[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)>; Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>  
**Subject:** FW: Touching base regarding Monday

Don't kill me! Do you have any talkers on tar creek? Nancy, do you have anything on PFOS in general? This is for Monday. Last min trip!

**From:** Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]  
**Sent:** Friday, June 22, 2018 11:22 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>;  
Skylar McElhaney <[Skylar.McElhaney@deq.ok.gov](mailto:Skylar.McElhaney@deq.ok.gov)>  
**Subject:** RE: Touching base regarding Monday

## Ex. 5 - Deliberative Process

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**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]  
**Sent:** Thursday, June 21, 2018 4:13 PM  
**To:** Fenton Rood  
**Cc:** Jackson, Ryan; Kunding, Kelly  
**Subject:** Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101



Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)

**To:** Appointed Assistant Administrators[Appointed\_Assistant\_Administrators@epa.gov]; Appointed Associate Administrators[Appointed\_Associate\_Administrators@epa.gov]; Appointed Deputy Assistant Administrators[Appointed\_Deputy\_Assistant\_Administrators@epa.gov]; Appointed Deputy Associate Administrators[Appointed\_Deputy\_Associate\_Administrators@epa.gov]; Burton, Tamika[burton.tamika@epa.gov]; Carroll, Carly[Carroll.Carly@epa.gov]; Carter, Donnell[Carter.Donnell@epa.gov]; Chancellor, Erin[chancellor.erin@epa.gov]; Cortes, Emilio[Cortes.Emilio@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Dickerson, Aaron[dickerson.aaron@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Fonseca, Silvina[Fonseca.Silvina@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; HQ-COS[HQ-COS@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Johnson, Laura-S[Johnson.Laura-S@epa.gov]; Leadership\_Assistant\_Administrators[Leadership\_Assistant\_Administrators@epa.gov]; Leadership\_Associate\_Administrators[Leadership\_Associate\_Administrators@epa.gov]; Leadership\_Deputy\_Assistant\_Administrators[Leadership\_Deputy\_Assistant\_Administrators@epa.gov]; Leadership\_Deputy\_Associate\_Administrators[Leadership\_Deputy\_Associate\_Administrators@epa.gov]; Leadership\_Deputy\_Regional\_Administrators[Leadership\_Deputy\_Regional\_Administrators@epa.gov]; Leadership\_Regional\_Administrators[Leadership\_Regional\_Administrators@epa.gov]; Maher, Karen[Mahe.Karen@epa.gov]; McDonald, Carolyn[McDonald.Carolyn@epa.gov]; Molina, Michael[molina.michael@epa.gov]; Sauerhage, Maggie[Sauerhage.Maggie@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]; Wheeler, Andrew[wheeler.andrew@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]  
**From:** Burton, Tamika  
**Sent:** Fri 6/22/2018 3:45:07 PM  
**Subject:** Weekly Report 6.22.2018  
[6.22.2018 Weekly Report.pdf](#)  
[Weekly Report 6.22.2018.docx](#)

Good Morning,

Please see the attached weekly report for this week: 6.22.2018

Have a great weekend!

***Tamika Burton***

***Staff Assistant to the Deputy Administrator***

***Immediate Office of the Administrator***

***MC 1104A Room 3412 WJC North***

***(202) 564-4771 (d)***

Ex. 6 - Personal Privacy (c)

***burton.tamika@epa.gov***



**To:** Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Morris, Madeline[morris.madeline@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]  
**From:** Morris, Madeline  
**Sent:** Fri 8/11/2017 6:55:17 PM  
**Subject:** FW: Weekly Report 08.11.2017  
[Weekly report 08112017.docx](#)

Here you go everyone!

**From:** Burton, Tamika  
**Sent:** Friday, August 11, 2017 1:52 PM  
**Subject:** Weekly Report 08.11.2017

Good Afternoon,

Please see the attached weekly report for 08.11.2017.

Best regards,

*Tamika Burton*

*Staff Assistant*

*Office of the Deputy Administrator*

*MC 1104A Room 3412 WJC North*

*(202) 564-4771 (d)*

Ex. 6 - Personal Privacy (c)

*burton.tamika@epa.gov*



# **Ex. 5 - Deliberative Process**

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### **Tar Creek, Picher, Oklahoma**

Region 6 continues Operable Unit 5 field sampling to fill data gaps related to characterization of and potential risk related to sediment and surface water within the Tri-state Watershed investigation area. The sampling is being accomplished through joint coordination and cooperation with Region 7; the states of Oklahoma, Missouri and Kansas; the Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee tribes; and other federal and state agencies (U.S. Fish and Wildlife, U.S. Geological Survey, Oklahoma Department of Wildlife). The sampling is focusing on a tri-state watershed approach to address sediments and surface water in perennial streams that may be impacted by mining operations. The project area consists of seven watersheds, and covers approximately 437 square miles and 119 river miles. Senior Advisor Albert Kelly will tour the Tar Creek Superfund site on Monday, August 14. San Francisco-based media site, Timeline, is working on a story about how Picher evolved from a wartime boom town to a ghost town.

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**From:** Burton, Tamika  
**Sent:** Fri 8/11/2017 5:51:48 PM  
**Subject:** Weekly Report 08.11.2017  
[Weekly report 08112017.docx](#)

Good Afternoon,

Please see the attached weekly report for 08.11.2017.

Best regards,

***Tamika Burton***

***Staff Assistant***

***Office of the Deputy Administrator***

***MC 1104A Room 3412 WJC North***

***(202) 564-4771 (d)***

**Ex. 6 - Personal Privacy** (c)

***burton.tamika@epa.gov***



**To:** Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Morris, Madeline[morris.madeline@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]  
**From:** Morris, Madeline  
**Sent:** Fri 8/4/2017 5:54:32 PM  
**Subject:** FW: Weekly Report 08042017  
[Weekly Report 08042017.docx](#)

Good afternoon everyone! As Ryan mentioned on Monday, we will have a staff meeting at 8:00am on Monday, and here is the weekly report.

Please let me know if you have any questions!

Have a good weekend!

**From:** Burton, Tamika  
**Sent:** Friday, August 4, 2017 1:51 PM  
**Subject:** Weekly Report 08042017

Good Afternoon,

Please see attached the weekly report for this week.

Best regards,

*Tamika Burton*

*Staff Assistant*

*Office of the Deputy Administrator*

*MC 1104A Room 3412 WJC North*

*(202) 564-4771 (d)*

Ex. 6 - Personal Privacy (c)

*burton.tamika@epa.gov*



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## **Tar Creek, Picher, Oklahoma**

Region 6, Office of the Administrator, Office of Water, Office of Land and Emergency Management and Office of International and Tribal Affairs officials will tour the Tar Creek site and meet with Quapaw Tribal Chairman Berrey and other tribal members on August 14, 2017. EPA recently awarded \$4,896,088 in financial assistance to the Quapaw Tribe of Oklahoma. The tribe will use the funds to continue remediating contaminated soils from tribal lands. The tour and subsequent discussion will highlight the partnership EPA has with the Quapaw Tribe and provide an opportunity for the Quapaw to illustrate the remediation work they have performed since signing a Cooperative Agreement with the Agency in October, 2012.

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**To:** Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Boats, Brian[boats.brian@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Caldwell, James[Caldwell.James@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dickerson, Aaron[dickerson.aaron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]; Jackson, Jennifer L.[Jackson.Jennifer@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Mickle, John[Mickle.John@epa.gov]; Morris, Madeline[morris.madeline@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Perrotta, Pasquale[Perrotta.Pasquale@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Smith, Chris-L[Smith.Chris-L@epa.gov]; Su, Wendy[su.wendy@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]; Woodward, Cheryl[Woodward.Cheryl@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]

**From:** Morris, Madeline

**Sent:** Fri 7/14/2017 8:32:50 PM

**Subject:** Weekly Report and Calendar

[Weekly Report7132017.docx](#)

[July through August.pdf](#)

Here you go. Hope everyone has a good weekend!

Best,  
Maddy

**Madeline Morris** Executive Scheduler | Office of the Administrator | direct:

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

# Ex. 5 - Deliberative Process

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### **Tar Creek Superfund Site is**

The office of Research and Development along with the EPA Groundwater, Wetlands, and Ecosystems Restoration Division (GWERD/ADA) are planning to conduct a field study during the week of July 17 along a portion of Tar Creek to assess ground water seepage flux. This will assess the magnitude and direction of seepage between groundwater and surface water in this area as well as the general water quality characteristics of shallow groundwater. These data will provide additional information to determine any future design and/or remediation work in the area.

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**To:** Abboud, Michael[abboud.michael@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Morris, Madeline[morris.madeline@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]  
**From:** Morris, Madeline  
**Sent:** Mon 7/31/2017 2:07:44 PM  
**Subject:** Regional Update  
[image2017-07-30-201343.pdf](#)

For those who missed it on Friday, here is the update Ryan was talking about at today's meeting.

**Madeline Morris** Executive Scheduler | Office of the Administrator | direct: Ex. 6 - Personal Privacy

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Tar Creek, Picher, Oklahoma

EPA intends to continue field sampling to fill data gaps related to characterization of and potential risk related to sediment and surface water within the Tristate Watershed investigation area. The sampling is being accomplished through joint coordination and cooperation with Region 7; the states of Oklahoma, Missouri and Kansas; the Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee tribes; and other federal and state agencies (U.S. Fish and Wildlife, U.S. Geological Survey, Oklahoma Department of Wildlife). The Quapaw Tribe Environmental Office will continue source material excavation at Distal 10 and hauling to the central repository. Site preparation (i.e., grubbing, haul roads) will continue at Distal 12. The Quapaw Tribe Environmental Office will continue confirmation sampling at Distal 10, under cooperative agreements with the EPA. The Oklahoma Department of Environmental Quality will continue the remedial action work at Beaver Creek under a cooperative agreement with the EPA. The ODEQ will also continue the preparation of the Operable Unit (OU) 2 (Residential) Commerce remedial action work plan and cost estimate, and continue planning for the public meeting currently scheduled for August 15, 2017.

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**From:** Wilcox, Jahan  
**Sent:** Tue 3/20/2018 7:35:04 PM  
**Subject:** APPROVAL: Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup - Preview

**Ex. 5 - Deliberative Process**

**From:** Hewitt, James  
**Sent:** Tuesday, March 20, 2018 2:53 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** FW: Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup - Preview

**From:** EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office  
**Sent:** Tuesday, March 20, 2018 2:53 PM  
**To:** Hewitt, James <hewitt.james@epa.gov>  
**Subject:** Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup - Preview

No Images? [Click here](#)

**Tulsa World**

**Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup**

Jim Meyers  
March 20, 2018

[http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article\\_4a3e4982-569e-5023-8141-392ebe629a65.html](http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article_4a3e4982-569e-5023-8141-392ebe629a65.html)

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He blamed inconsistency, even within EPA's 10 regions, as well as a lack of attention and focus for slowing outcomes.

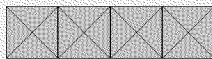
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To Read The Full Article [Click Here](#)

<http://usenvironmentalprotectionagency.cmail19.com/t/d-i-oiuhdy-l-j/>

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U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue Northwest  
Washington, D.C. 20004

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**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Russ Choma  
**Sent:** Thur 4/5/2018 7:36:33 PM  
**Subject:** CFA FOIA lawsuit

Hi Liz,

I just saw a copy of a lawsuit filed today by Campaign For Accountability claiming that the EPA has not been responsive to its FOIA requests regarding the Tar Creek scandal – do you have a response?

More specifically, the FOIA request they're suing over seems to be probing to find out whether anyone in Administrator Pruitt's office has been in contact with anyone in Oklahoma state government about the way the state should handle requests to unseal an audit of the Tar Creek buyout program that was commissioned when Pruitt was Oklahoma AG – has there been any contact between EPA officials and Oklahoma officials on the issue?

The FOIA requests also seem to be trying to determine if any EPA officials were involved with the leaking or distribution of a 2013 EPA IG report on the buyout program – was there any involvement by EPA officials in that report's recent publication?

I'm going to press ASAP, but am very happy to include anything you can pass on as an update. Can fwd a copy of the lawsuit if you haven't seen it.

Thanks,

--

Russ Choma

Mother Jones

**Ex. 6 - Personal Privacy**

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**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]; Block, Molly[block.molly@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Beach, Christopher[beach.christopher@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Konkus, John[konkus.john@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]  
**From:** Hewitt, James  
**Sent:** Tue 3/20/2018 6:48:04 PM  
**Subject:** RE: Tulsa World: Pruitt says new push on Superfund sites can bring accountability to Tar Creek cleanup

On it.

**From:** Wilcox, Jahan  
**Sent:** Tuesday, March 20, 2018 2:45 PM  
**To:** Block, Molly <block.molly@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Konkus, John <konkus.john@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>  
**Subject:** RE: Tulsa World: Pruitt says new push on Superfund sites can bring accountability to Tar Creek cleanup

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**From:** Block, Molly  
**Sent:** Tuesday, March 20, 2018 2:23 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>  
**Subject:** Tulsa World: Pruitt says new push on Superfund sites can bring accountability to Tar Creek cleanup

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# Pruitt says new push on Superfund

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Jim Myers

WASHINGTON — Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to Tar Creek, for decades one of the oldest, largest and most complex toxic sites in the nation.

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He blamed inconsistency, even within EPA's 10 regions, as well as a lack of attention and focus for slowing outcomes.

"It is one of the things that seemed to be languishing as we arrived," Pruitt said, making it clear the lack of urgency was something he found "palpable" at Superfund sites across the country.

"When it takes you 27, 28 years to make a decision — make a decision, not clean it up, not remediate, but make a decision on how you are going to remediate — that is unacceptable."

His comments came during one of several reporter roundtables he has been holding at EPA's headquarters to mark his first year as administrator during which he also became a leading voice in the Trump administration's major push on regulation reform.

Those efforts have prompted applause from his supporters and alarm from his critics.

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When given the chance to comment on yet another story this week about his political options, he took a pass.

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According to reporting by The Oklahoman, legal action in the case continues and eventually could include an appeal to the Oklahoma Supreme Court.

Pruitt’s emphasis on Tar Creek and the other Superfund sites across the country grew out of a task force he created in 2017, just months after being sworn in as administrator.

Members of the Superfund Task Force came back with a list of specific recommendations under major goals ranging from expediting cleanup and remediation to promoting redevelopment and community revitalization.

As part of that process, Tar Creek landed on a list Pruitt says he will use going forward to keep the emphasis on the program.

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**To:** Block, Molly[block.molly@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Beach, Christopher[beach.christopher@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Konkus, John[konkus.john@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Tue 3/20/2018 6:44:49 PM  
**Subject:** RE: Tulsa World: Pruitt says new push on Superfund sites can bring accountability to Tar Creek cleanup

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**From:** Block, Molly  
**Sent:** Tuesday, March 20, 2018 2:23 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>  
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**From:** Abboud, Michael  
**Sent:** Tue 3/20/2018 6:20:12 PM  
**Subject:** Tulsa World article

[http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article\\_4a3e4982-569e-5023-8141-392ebe629a65.html](http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article_4a3e4982-569e-5023-8141-392ebe629a65.html)

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## **Michael Abboud**

U.S. Environmental Protection Agency

Office of Public Affairs

Ex. 6 - Personal Privacy

**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Lipton, Eric  
**Sent:** Mon 11/13/2017 7:52:11 PM  
**Subject:** Bodine transcript of hearing and response to questions.  
2017\_6\_13 Bodine confirmation hearing.pdf  
2017\_6 Bodine Senate responses to questions epa2017\_1414a.pdf

Yes, I have both of these, attached.

Welcome other input like this, particularly regarding enforcement efforts so far at EPA in the new administration.

Eric

Eric Lipton



Washington Bureau

Ex. 6 - Personal Privacy office  
mobile  
Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]  
**Cc:** Palich, Christian[palich.christian@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Leopold, Matt[Leopold.Matt@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]  
**From:** Lyons, Troy  
**Sent:** Tue 1/23/2018 8:35:07 PM  
**Subject:** Hot Topics  
MASTER 1-30 EPW Hot Topics.docx

As in previous hearing preps—we will be holding a briefing session on “hot topics” to ensure the Administrator is fully prepared for next week’s hearing. Please take a look at the attached list to see if we have missed any topics. The hot topics briefing is slated for Monday, Jan 29<sup>th</sup>.

---

**Troy M. Lyons**

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy (cell)

## HOT TOPICS

# Ex. 5 - Deliberative Process

- Super Fund

## Ex. 5 - Deliberative Process

- Tar Creek, Oklahoma

# Ex. 5 - Deliberative Process

**To:** Abboud, Michael[abboud.michael@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Konkus, John[konkus.john@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Hewitt, James[hewitt.james@epa.gov]  
**From:** Graham, Amy  
**Sent:** Mon 9/18/2017 1:51:32 PM  
**Subject:** RE: FOR APPROVAL: EPA Morning News Highlights 9.18.17

I'm good if all of those are included.

-----Original Message-----

From: Abboud, Michael  
Sent: Monday, September 18, 2017 9:49 AM  
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Graham, Amy <graham.amy@epa.gov>  
Cc: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Hewitt, James <hewitt.james@epa.gov>  
Subject: RE: FOR APPROVAL: EPA Morning News Highlights 9.18.17

Changes made. Any other changes?

-----Original Message-----

From: Wilcox, Jahan  
Sent: Monday, September 18, 2017 9:42 AM  
To: Graham, Amy <graham.amy@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>  
Cc: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Hewitt, James <hewitt.james@epa.gov>  
Subject: RE: FOR APPROVAL: EPA Morning News Highlights 9.18.17

Include this as well.

Big Oil Becomes Greener With Progress in Cutting Pollution  
Bloomberg  
September 18, 2017  
<https://bloom.bg/2jDfjBF>

-----Original Message-----

From: Graham, Amy  
Sent: Monday, September 18, 2017 9:41 AM  
To: Abboud, Michael <abboud.michael@epa.gov>  
Cc: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Hewitt, James <hewitt.james@epa.gov>  
Subject: Re: FOR APPROVAL: EPA Morning News Highlights 9.18.17

Move the hill article to the top and include the Fox Houston clip that we sent around this weekend below that.

> On Sep 18, 2017, at 9:37 AM, Abboud, Michael <abboud.michael@epa.gov> wrote:

>

> EPA Morning News Highlights 9.18.17

>

> The Washington Examiner: EPA Needs To Stick To Its Knitting

> Barack Obama decided that the 1992 Clean Air Act gave the Environmental Protection Agency the authority to force states to regulate carbon dioxide emissions from power plants. He also expanded the Clean Water Act with a regulation called "Waters of the United States," which aimed to give the EPA regulatory control over land if sometimes it holds standing water. The running theme of the Obama EPA

was expanding the agency's reach and multiplying its responsibilities. This campaign was repeatedly halted by courts, but it has threatened to erode liberty and make life more expensive for families, farmers, and companies. But the most tangible consequence of the EPA's mission creep has been the neglect of its core functions.

>

> The Hill: EPA Chief Heads To Texas To See Harvey Cleanup

> Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Houston on Friday to see Hurricane Harvey cleanup efforts and survey work by environmental officials. Pruitt toured the San Jacinto River Waste Pits Superfund site and met with leading federal and state officials involved in environmental oversight of the area's recovery from the historic storm, which dumped more than 40 inches of rain on the area, the agency said.

>

> The Washington Times: White House: No Thaw On Paris Climate Accord Unless Trump Gets Better Deal

> Trump administration officials said Sunday that the president's stance on the Paris climate agreement hasn't changed: He's open to re-engaging as long as he gets a better deal. Secretary of State Rex W. Tillerson said the administration would reconsider its decision to withdraw from the accord "under the right conditions," while National Security Adviser H.R. McMaster said President Trump is willing to look at alternatives that fix the "flawed agreement." "He's out of the Paris climate accord. What he said — the door is open," Mr. McMaster said on "Fox News Sunday." "If you look at what he said on the day that he announced withdrawing from the accord, he said at some point in the future, if there can be a deal that addresses these fundamental flaws, he's open to it."

>

> Texas Tribune: EPA Approves Expedited Loan Funding For Harvey-Related Water Projects

> The Environmental Protection Agency this week approved a request from Texas officials to expedite funding to help local governments restore water and wastewater systems damaged by Hurricane Harvey. The Texas Water Development Board, which administers an EPA low-interest loan program for the state, asked the federal agency in a Sept. 1 letter for the flexibility to quicken loan distribution procedures. In the letter, the board said loan money could serve as a bridge to meet immediate recovery needs for damaged water systems while local governments wait for other federal aid.

>

> KOSU 91.7: Guarded Hope At Oklahoma's Abandoned Mine As EPA Promises Focus On Contaminated Sites

> Newly minted U.S. Environmental Protection Agency Administrator Scott Pruitt spent his first months on the job steering the agency away from climate change to focus, in part, on cleaning up contaminated sites around the country. The former Oklahoma attorney general has directed a task force to create a top-10 list of locations that need aggressive attention — welcome news at Superfund sites like Tar Creek in the northeastern corner of the state. The spot where Kansas, Missouri and Oklahoma meet was once one of the world's largest sources of lead and zinc. About half of the lead and zinc the military needed in World War I was produced here, in 300 miles of caverns hollowed out underneath towns like Picher, Cardin and Commerce.

>

> The Washington Examiner: Pruitt Deploys EPA's Elite Frogmen In Post-Hurricane Inspections

> The Environmental Protection Agency deployed a team of divers Friday to begin inspecting a flooded toxic waste site in Texas in the aftermath of Hurricane Harvey. "EPA remains committed to providing the necessary resources and personnel to ensure those affected by the devastation of Hurricane Harvey receive proper agency attention," said Administrator Scott Pruitt on Friday after arriving in Houston to tour the Superfund waste sites. Pruitt began his visit by inspecting the San Jacinto River Waste Pits Superfund site. As Pruitt toured the site, "an EPA dive team" began conducting underwater inspections of the site, the agency said.

>

> The New York Times: Using The E.P.A. To Prop Up Big Coal

> The Trump administration is unflinching in its misbegotten campaign to protect the coal industry from what has become an obvious and inevitable decline. Eight months in, the administration has already killed, or is in the process of killing, rules that would prevent the dumping of coal mining wastes in streams, impose a temporary moratorium on new mine leases in the West, and reduce greenhouse gas



emissions from coal-fired power plants — one of President Barack Obama's most important efforts to resist climate change. All of this to prop up an industry whose workers would be best served not by false promises of new mining jobs, but by aggressive programs to retrain them for a changing economy. The latest ritualistic bow from Scott Pruitt, the administrator of the Environmental Protection Agency who has presented himself as an industry savior, was to order last week a two-year postponement of the Obama administration's tighter controls on lead, mercury, arsenic and other coal plant wastes that threaten human health. Delaying the rule's effective date to November 2020, Mr. Pruitt said, merely "resets the clock."

>

> National Morning News Highlights 9.18.17

>

> The Associated Press: Trump's Week Anchored By Speech To UN General Assembly

> President Donald Trump is making his debut at the United Nations and taking his complaints about the world body straight to the source. In his first appearance as president, Trump on Monday was addressing a U.S.-sponsored event on reforming the 193-member organization he has sharply criticized. As a candidate for president, Trump labeled the U.N. as weak and incompetent, and not a friend of either the United States or Israel. But he has softened his tone since taking office, telling ambassadors from U.N. Security Council member countries at a White House meeting this year that the U.N. has "tremendous potential."

>

> The Washington Post: U.S. Warns That Time Is Running Out For Peaceful Solution With North Korea

> The Trump administration escalated its rhetoric against North Korea on Sunday, warning that time is running out for a peaceful solution between Kim Jong Un's regime and the United States and its allies. Administration officials said the risk from North Korea's nuclear weapons program is rising, and they underscored that President Trump will confront the looming crisis at the U.N. General Assembly this week. Trump, who spoke by phone with South Korean President Moon Jae-in on Saturday, referred to Kim on Twitter as "Rocket Man" and asserted that "long gas lines" are forming in the North because of recent U.N. sanctions on oil imports. Though Trump's top aides emphasized that the administration is examining all diplomatic measures to rein in Pyongyang, they made clear that military options remain on the table.

>

> The Washington Post: Shrink At Least 4 National Monuments And Modify A Half-Dozen Others, Zinke Tells Trump

> Interior Secretary Ryan Zinke has recommended that President Trump modify 10 national monuments created by his immediate predecessors, including shrinking the boundaries of at least four western sites, according to a copy of the report obtained by The Washington Post. The memorandum, which the White House has refused to release since Zinke submitted it late last month, does not specify exact reductions for the four protected areas Zinke would have Trump narrow — Utah's Bears Ears and Grand Staircase-Escalante, Nevada's Gold Butte, and Oregon's Cascade-Siskiyou — or the two marine national monuments — the Pacific Remote Islands and Rose Atoll — for which he raised the same prospect. The two Utah sites encompass a total of more than 3.2 million acres, part of the reason they have aroused such intense emotions since their designation. The secretary's set of recommendations also would change the way all 10 targeted monuments are managed. It emphasizes the need to adjust the proclamations to address concerns of local officials or affected industries, saying the administration should permit "traditional uses" now restricted within the monuments' boundaries, such as grazing, logging, coal mining and commercial fishing.

>

> The Wall Street Journal: Solar Power Death Wish

> Billions of dollars in taxpayer subsidies haven't made the U.S. solar industry competitive, and now two companies want to make it even less so. Suniva Inc., a bankrupt solar-panel maker, and German-owned SolarWorld Americas have petitioned the U.S. International Trade Commission (ITC) to impose tariffs on foreign-made crystalline silicon photovoltaic cells. Solar cells in the U.S. sell for around 27 cents a watt. The petitioners want to add a new duty of 40 cents a watt. They also want a floor price for imported panels of 78 cents a watt versus the market price of 37 cents. In other words, they want the government to double the cost of the main component used in the U.S. solar industry. Solar electricity prices could rise by some 30% if the ITC says they've been injured by foreign competition—a decision is due by Sept.



22—and the Trump Administration goes along with the tariff request. U.S. manufacturers won countervailing and antidumping duties against imports from China and Taiwan in 2012 and in 2015. But now they're resorting to Section 201 of the Trade Act of 1974 because they don't need to show they are victims of dumping or foreign government subsidies. They only need to show that imports have harmed them.

>

> The Wall Street Journal: California Democrats Target Tesla

> California Democrats have finally found a cause that's worth suspending their environmental passions. The United Automobile Workers are struggling for a presence in Tesla's Fremont plant, and organized labor has called in a political favor. Since 2010 California has offered a \$2,500 rebate to encourage consumers to buy electric vehicles. But last week, at unions' behest, Democrats introduced an amendment to cap-and-trade spending legislation that would require participating manufacturers to get a sign-off from the state labor secretary verifying that they are "fair and responsible in their treatment of workers." The legislation, which passed Friday, is a direct shot at Tesla. The Clean Vehicle Rebate Project has amounted to a \$82.5 million subsidy for the company, giving extra incentive to 32,842 Tesla buyers in seven years.

>

> TRUMP TWEETS

>

> The Washington Examiner

> <http://www.washingtonexaminer.com/epa-needs-to-stick-to-its-knitting/article/2634483>

> EPA Needs To Stick To Its Knitting

> By The Washington Examiner Editorial Board, 9/18/17

>

> Barack Obama decided that the 1992 Clean Air Act gave the Environmental Protection Agency the authority to force states to regulate carbon dioxide emissions from power plants.

>

> He also expanded the Clean Water Act with a regulation called "Waters of the United States," which aimed to give the EPA regulatory control over land if sometimes it holds standing water.

>

> The running theme of the Obama EPA was expanding the agency's reach and multiplying its responsibilities. This campaign was repeatedly halted by courts, but it has threatened to erode liberty and make life more expensive for families, farmers, and companies.

>

> But the most tangible consequence of the EPA's mission creep has been the neglect of its core functions.

>

> Trump's EPA Administrator Scott Pruitt laid out Obama's legacy in a recent interview with the Washington Examiner. "He left us with more Superfund sites than when he came in," Pruitt said, referring to contaminated lands which the EPA is supposed to be remediating. "He had Gold King and Flint, Michigan," Pruitt went on, referring to the massive 2015 spill of mine waste into the Animas and San Juan Rivers. Obama also left "air quality standards 40 percent of the country in nonattainment," Pruitt added.

>

> The problem? Obama's EPA wouldn't stick to its knitting. Pruitt aptly described the EPA's mindset under Obama: "We think we just ought to re-imagine authority because you know what? We don't know if people are going to pass regulations or states are going to do their jobs."

>

> Pruitt promises to return the EPA to its proper mission and to limit its activities to those actually prescribed by Congress. Will Pruitt's EPA address greenhouse gas emissions? Obama justified his Clean Power Plan by asserting the urgency of the issue. But the executive's belief that an issue is important doesn't give the executive branch the power to address an issue.

>

> The EPA has only the power Congress has given it. Repeatedly, Obama tried to get Congress to pass climate legislation. Repeatedly, he failed. This should have been taken as a sign that there is no democratic will for it. But Obama took these failures exactly the wrong way, deciding that if Congress won't act, he would act on his own.

>

> This is like a soldier deciding that if his officers won't give him permission to shoot, he'll just have to give himself the order to fire.

>

> On climate, Pruitt says the relevant question is "what tools are in the toolbox of this agency to deal with CO2?" Neither Pruitt nor Trump are allowed to put tools in there. Only Congress can. "We're not going to simply just make up our authority," Pruitt said.

>

> Doing exactly what you are called to do by the proper authorities is not a very exciting mission. But such is the lot of conservatism. Executive agencies are role-players, and even the president doesn't get to determine their role. The Constitution is very clear that Congress alone has that power.

>

> We applaud Pruitt's mission of restoring the EPA to its proper shape and size. And we hope he has the humility, the diligence, and the skill to pull it off, for the sake of the Constitution, the economy, and the environment.

>

> The Hill

> <http://thehill.com/policy/energy-environment/350925-epa-head-visits-harvey-cleanup-in-texas>

> EPA Chief Heads To Texas To See Harvey Cleanup

> By Tim Cama, 9/15/17

>

> Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Houston on Friday to see Hurricane Harvey cleanup efforts and survey work by environmental officials.

>

> Pruitt toured the San Jacinto River Waste Pits Superfund site and met with leading federal and state officials involved in environmental oversight of the area's recovery from the historic storm, which dumped more than 40 inches of rain on the area, the agency said.

>

> The EPA chief and his staff have faced criticism on a number of fronts since Harvey hit late last month.

>

> Pruitt, a skeptic of the scientific consensus on climate change, told CNN it was "insensitive" to discuss the role of climate change in the storm during recovery efforts.

>

> In addition, the agency was criticized for not immediately inspecting Superfund sites on the ground after Harvey hit and officials rolled back a chemical plant safety rule earlier this year designed to mitigate incidents like a plant explosion near Houston.

>

> "EPA remains committed to providing the necessary resources and personnel to ensure those affected by the devastation of Hurricane Harvey receive proper agency attention," Pruitt said in a statement after his tour and meetings with EPA, Federal Emergency Management Agency and Texas Council on Environmental Quality officials.

>

> "We continue to work closely with our federal, state, and local partners to ensure Superfund are being properly secured, fuel prices remain stabilized, and infrastructure and environmental assessments are thoroughly carried out," he said.

>

> In addition to the San Jacinto River Waste Pits tour, Pruitt did a flyover tour of six other Superfund cleanup sites in the area, the EPA said.

> The Washington Times

> <http://www.washingtontimes.com/news/2017/sep/17/donald-trump-leaving-paris-climate-agreement-unless-h/>

> White House: No Thaw On Paris Climate Accord Unless Trump Gets Better Deal

> By Valerie Richardson, 9/17/17

>

> Trump administration officials said Sunday that the president's stance on the Paris climate agreement hasn't changed: He's open to re-engaging as long as he gets a better deal.

>

> Secretary of State Rex W. Tillerson said the administration would reconsider its decision to withdraw from the accord “under the right conditions,” while National Security Adviser H.R. McMaster said President Trump is willing to look at alternatives that fix the “flawed agreement.”

>

> “He’s out of the Paris climate accord. What he said — the door is open,” Mr. McMaster said on “Fox News Sunday.” “If you look at what he said on the day that he announced withdrawing from the accord, he said at some point in the future, if there can be a deal that addresses these fundamental flaws, he’s open to it.”

>

> Mr. Trump announced in June he would pull out of the 2015 agreement, which seeks to limit increases in global temperatures, saying it was “less about climate and more about other countries gaining a financial advantage.”

>

> At the time Mr. Trump said that he would be willing to renegotiate the agreement or enter into a new accord that placed less of the economic burden on U.S. companies and workers.

>

> The discussion was spurred by a Saturday Wall Street Journal report saying that a White House adviser suggested a compromise to revise the agreement in exchange for U.S. re-engagement at an international meeting in Montreal, which Mr. McMaster disputed as “false.”

>

> “What the president has said is that we are withdrawing from the Paris accord. He left the door open to re-entering at some later time if there can be a better deal for the United States,” Mr. McMaster said on ABC’s “This Week.”

>

> The White House insisted that there has been “no change on the U.S.’ position on the Paris agreement.

>

> “As the president has made abundantly clear, the United States is withdrawing unless we can re-enter on terms that are more favorable to our country,” said White House spokesperson Lindsay Walters.

>

> Environmentalists weren’t holding their breath. “The latest fire drill on the Paris agreement proves only one thing: Donald Trump can’t be trusted,” said Ben Schreiber, Friends of the Earth senior political strategist.

>

> “Even if Trump does decide to stay in the Paris agreement, it will not be a victory for the planet because Trump’s actions have made it clear that he has no intention of doing our fair share on climate change,” said Mr. Schreiber.

>

> Foes of the pact have argued that it represents a wealth transfer to other countries from the U.S., which already leads the world in reducing carbon dioxide emissions, thanks largely to the switch by many power plants from coal to natural gas.

>

> Mr. Tillerson said the accord gave too much to “the second-largest economy in the world, China,” which has seen its carbon emissions climb.

>

> “If you look at those targets in terms of the Paris climate accord, they were just really out of balance for the two largest economies,” Mr. Tillerson said on “Face the Nation” on CBS.

>

> He said National Economic Council Director Gary Cohn is steering the administration’s position on the Paris accord.

>

> “So I think the plan is for Director Cohn to consider other ways in which we can work with partners in the Paris climate accord,” Mr. Tillerson said. “We want to be productive. We want to be helpful. The U.S. actually has a tremendous track record on reducing our own greenhouse gas emissions.”

>

> Ratified so far by 160 countries, the agreement sets a goal of keeping global temperature increases at

well below 2 degrees Celsius from pre-industrial levels by 2100.

>

> President Obama ratified the agreement in 2016 by executive action, instead of bringing the accord before the Senate, after it was negotiated at the 2015 U.N. Climate Change Conference in Paris.

> Texas Tribune

> <https://www.texastribune.org/2017/09/15/epa-approves-expedited-loan-funding-harvey-related-water-projects/>

> EPA Approves Expedited Loan Funding For Harvey-Related Water Projects

> By Katie Riordan, 9/15/17

>

> The Environmental Protection Agency this week approved a request from Texas officials to expedite funding to help local governments restore water and wastewater systems damaged by Hurricane Harvey.

>

> The Texas Water Development Board, which administers an EPA low-interest loan program for the state, asked the federal agency in a Sept. 1 letter for the flexibility to quicken loan distribution procedures. In the letter, the board said loan money could serve as a bridge to meet immediate recovery needs for damaged water systems while local governments wait for other federal aid.

>

> "We're trying to be another party getting funds to communities when they need them," said Jessica Zuba, the deputy executive administrator of water supply and infrastructure at the TWDB. "In the past, there's been a feeling that federal funding can take quite a bit of time lag. We wanted to ... use our capacity and funds and bridge some of that time."

>

> Zuba said the board is reaching out to several cities where Harvey's flooding impacted water infrastructure — such as Pearland, south of Houston, and Rose City, outside Beaumont — to talk about recovery funding needs.

> Harvey's flooding had a sweeping impact on water systems across Texas. At least five public drinking systems throughout the state were destroyed by flooding, and 14 systems remain inoperable, according to the Texas Commission on Environmental Quality. At least 31 waste water facilities are inoperable.

>

> The Texas Water Development Board has about half a billion dollars in loan capacity through the Clean Water State Revolving Fund. This fund has historically provided low-interest loans to cities, districts and other water authorities to finance wastewater infrastructure. But its scope was expanded last year to include more stormwater projects, potentially meaning a large portion of it could be distributed for post-Harvey infrastructure proposals.

>

> "There's a need right now for the interim financing to get communities back online and back serving their customers, and there's also: 'How do we prepare for the next disaster?'" Zuba said.

>

> The fund's large loan capacity could be used for long-term stormwater resiliency projects, Zuba said. This could appeal to cities looking to finance the initial phases of large-scale infrastructure projects and then later rely on federal funding from agencies such as FEMA to continue construction.

>

> Since last August, the TWDB has approved three non-Harvey-related stormwater projects, totaling about \$35.5 million. The city of Houston has a \$47 million loan application pending to finance stormwater control infrastructure including extensions for flood reduction along Brays Bayou. The city filed this application before Hurricane Harvey hit, and the board expects to review it in October. The TWDB anticipates more applications from Harris County, which includes Houston, as the county's storm recovery plans solidify.

>

> The TWDB has sought assurance from the EPA that its loan financing would not make water projects ineligible for future federal grants as rebuilding from Harvey continues.

>

> Gov. Greg Abbott also got behind the board's request to get infrastructure funding to communities as quickly as possible. He sent his own letter to EPA chief Scott Pruitt, asking for streamlined loan options.

>

> Zuba said it is hard to speculate how many loans applications the TWDB might receive but that volume is expected to increase and cooperation with the federal government is making the process easier.

>

> “The flexibility that the EPA is willing to work with us is a great achievement,” she said.

> KOSU 91.7

> <http://kosu.org/post/guarded-hope-oklahomas-abandoned-mine-epa-promises-focus-contaminated-sites>

> Guarded Hope At Oklahoma's Abandoned Mine As EPA Promises Focus On Contaminated Sites

> By Joe Wertz, 9/15/17

>

> Newly minted U.S. Environmental Protection Agency Administrator Scott Pruitt spent his first months on the job steering the agency away from climate change to focus, in part, on cleaning up contaminated sites around the country.

>

> The former Oklahoma attorney general has directed a task force to create a top-10 list of locations that need aggressive attention — welcome news at Superfund sites like Tar Creek in the northeastern corner of the state.

>

> The spot where Kansas, Missouri and Oklahoma meet was once one of the world’s largest sources of lead and zinc. About half of the lead and zinc the military needed in World War I was produced here, in 300 miles of caverns hollowed out underneath towns like Picher, Cardin and Commerce.

>

> In 1983, Tar Creek became one of the first sites added to EPA’s Superfund list. The law helps identify sites contaminated by dangerous substances, prevents hazards and makes responsible parties pay for cleanup.

>

> Tar Creek is one of the oldest sites on a list of roughly 1,330 Superfund sites across the country. It’s large and has a lot of public health risks. It’s the kind of cleanup EPA Administrator Scott Pruitt is signaling is a priority.

>

> “There are many that have been on that National Priority List for decades, languishing for direction, leadership, answers,” Pruitt told a U.S. House subcommittee in June.

>

> Mining in the tri-state district peaked in the 1920s and stopped by the ’70s. The miners left town; Cave-ins, dangerous dust and caustic water remained. Blood tests showed elevated levels of lead in more than 40 percent of children in some communities.

>

> Most residents took buyouts to leave the former mining towns, which are largely abandoned by anyone not driving a truck tasked with hauling off hills of gravelly waste called chat that fill the horizon like moon-colored dunes.

>

> “We’re averaging an almost 3,000 tons a day of of chat to the repository,” says Craig Kreman, assistant environmental director for the Quapaw tribe.

>

> The chat piles are just one part of the problem. Much of the ore was buried below the water table. When the companies left and stopped pumping the mines dry, the caverns filled up. Water carrying cadmium, lead and other toxic metals bubbles to the surface into Tar Creek and downstream into a critical watershed.

>

> The EPA didn’t respond to interview requests. In the testimony on Capitol Hill, representatives pressed Pruitt on how he could champion the Superfund program while simultaneously supporting a budget plan from President Trump that slashes the program’s funding by nearly one-third.

>

> “It’s more about decision-making, leadership and management than money, presently,” he said. Later, Pruitt told the committee he’d push for more funding if he felt it were needed.

>

> Katherine Probst, an independent consultant who has spent 20 years researching and evaluating EPA’s



Superfund program, says poor funding has plagued the program for decades.

>

> “They don’t have the money to clean up an average Superfund site in most states,” she says. “They just don’t have \$25 million to clean up a site.”

>

> Superfund was initially funded by a trust fed by taxes on crude oil, chemicals and environmental taxes levied on corporations. Those taxes expired in 1995 and were not reauthorized. The money now comes by way of congressional appropriations. Research from Probst and the U.S. Government Accountability Office shows funding for Superfund has declined for nearly two decades — under Republican and Democratic administrations.

>

> Probst says Superfund sites would benefit from clearing bureaucratic red tape, which Pruitt pledges to do. Technical problems are stalling progress at some sites. Others are delayed by foot-dragging by companies deemed responsible for contamination. Other roadblocks are unknown due to poor data about the sites and the health hazards they pose.

>

> Rebecca Jim, the executive director for L.E.A.D. Agency, says the government’s attention to Superfund faded alongside the tax money.

>

> “Superfund is broke,” she says.

>

> Jim founded the nonprofit in the mid-’90s to organize and amplify local residents’ concerns about the Tar Creek contamination and cleanup. The group’s headquarters in nearby Miami has become an information hub about the contaminated site and a community center for local youth.

>

> Jim would like Superfund’s stream of tax money restored, but acknowledges that’s likely a pipe dream.

>

> “You get a good start in trying to do the clean up, but you just do a little at a time — that’s all you can do,” she says.

>

> In 2012, the EPA signed an agreement for the Quapaw to lead and manage the Tar Creek project — the first tribal-led cleanup of a federal Superfund site. Earlier this year, the agency awarded the tribe \$4.8 million to clean up soil from contaminated tribal lands.

>

> Jim says the tribal management is a positive development for Tar Creek.

>

> “We’ve got some real hope to start restoring some larger pieces of land, but it costs money,” she says.

>

> Top EPA officials recently traveled to northeastern Oklahoma for a tour of the Tar Creek Superfund site. Kreman with the Quapaw says the tribe hopes the agency’s visit is a good sign.

>

> “We took them up top a chat pile and they can see, for miles, the effects Tar Creek has had on the environment on the community,” he says.

>

> Kreman says Tar Creek still needs tens of millions in federal money to support a cleanup that will likely continue for decades. If Superfund’s budget is slashed, Tar Creek will compete with others for a smaller slice of funding.

>

> When the top-10 list comes out, Kreman and Jim hope Tar Creek is on it and that the contamination in their community once again is recognized as one of the country’s most polluted places.

>

> “Every single acre is a celebration. Every bit of water that’s cleaned up before it enters Tar Creek, that’s a celebration,” Jim says. “I’m just waiting for the big one. The big joy when it’s done.”

> The Washington Examiner

> <http://www.washingtonexaminer.com/pruitt-deploys-epas-elite-frogmen-in-post-hurricane-inspections/article/2634623>

> Pruitt Deploys EPA's Elite Frogmen In Post-Hurricane Inspections  
 > By John Siciliano, 9/15/17  
 >  
 > The Environmental Protection Agency deployed a team of divers Friday to begin inspecting a flooded toxic waste site in Texas in the aftermath of Hurricane Harvey.  
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 > "EPA remains committed to providing the necessary resources and personnel to ensure those affected by the devastation of Hurricane Harvey receive proper agency attention," said Administrator Scott Pruitt on Friday after arriving in Houston to tour the Superfund waste sites.  
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 > Pruitt began his visit by inspecting the San Jacinto River Waste Pits Superfund site. As Pruitt toured the site, "an EPA dive team" began conducting underwater inspections of the site, the agency said.  
 >  
 > "EPA will continue to keep the public informed as assessments of the site continue and site determinations are made by the dive team," the agency added.  
 >  
 > EPA has a robust team of divers that dates to its creation in the 1970s. "Our first dive units were established in Seattle and Gulf Breeze, Florida, to support EPA's monitoring, research and emergency response efforts," the agency's website said. "In 2016, we conducted 946 dives involving 65 divers in nine diving units across the country."  
 >  
 > EPA's team of environmental divers have some hazardous jobs that include sampling submerged drums of "unknown materials," mapping illegal underwater dump sites, and inspecting waste discharges from seafood processing facilities, to name a few, according to the agency. The divers also can be found assessing the health of seagrass meadows, coral reefs, and other important marine habitats.  
 >  
 > Pruitt later left the divers to take to the skies with the Coast Guard for an aerial inspection of other waste cleanup sites.  
 >  
 > The New York Times  
 > <https://www.nytimes.com/2017/09/18/opinion/using-the-epa-to-prop-up-big-coal.html>  
 > Using The E.P.A. To Prop Up Big Coal  
 > The New York Times Editorial Board, 9/18/17  
 >  
 > The Trump administration is unflinching in its misbegotten campaign to protect the coal industry from what has become an obvious and inevitable decline. Eight months in, the administration has already killed, or is in the process of killing, rules that would prevent the dumping of coal mining wastes in streams, impose a temporary moratorium on new mine leases in the West, and reduce greenhouse gas emissions from coal-fired power plants — one of President Barack Obama's most important efforts to resist climate change. All of this to prop up an industry whose workers would be best served not by false promises of new mining jobs, but by aggressive programs to retrain them for a changing economy.  
 >  
 > The latest ritualistic bow from Scott Pruitt, the administrator of the Environmental Protection Agency who has presented himself as an industry savior, was to order last week a two-year postponement of the Obama administration's tighter controls on lead, mercury, arsenic and other coal plant wastes that threaten human health. Delaying the rule's effective date to November 2020, Mr. Pruitt said, merely "resets the clock."  
 >  
 > What it does, rather, is to try to twist the clock back to the day when coal was essentially a monopoly fuel, a day that practical-minded utility executives know is long gone. In fact, these executives are busily shutting down coal-fired plants in favor of more affordable energy sources like natural gas and wind and solar power.  
 >  
 > "We're not going to build any more coal plants; that's not going to happen," Chris Beam, head of Appalachian Power, West Virginia's largest utility, bluntly told the state last April, despite President Trump's phantasmagorical campaign promise to resurrect lost jobs for coal miners. No less candid, Lynn

Good, the head of Duke Energy, America's largest utility, defended the closing of 12 coal plants across five years, with more to come, in order to cut the company's coal-fired energy output by a third: "Our strategy will continue to be to drive carbon out of our business."

>

> In February, one of the nation's biggest coal-fired plants, the Navajo Generating Station in Arizona, set plans to shut down by the end of 2019 — more than two decades earlier than expected — in order to turn to alternatives, cut consumer prices and shed the notoriety of being the third-worst carbon polluter in the nation, according to the ratings of the (pre-Trump) E.P.A.

>

> While environmental rules have played some role in the closing of coal-fired plants, the main driver is cheaper and abundant natural gas. Coal's use in power generation has been declining since 2007, and by 2016 coal-fired plants produced only 30 percent of the nation's total generation, compared with 50 percent in 2003.

>

> The trend will continue; an estimated 46-plus coal-fired units will close at 25 electricity plants in 16 states over the next five years, according to the Institute for Energy Economics and Financial Analysis. In its outlook for 2017, the institute skewered Mr. Trump's campaign vows, saying, "Promises to create more coal jobs will not be kept — indeed the industry will continue to cut payrolls."

>

> About 60,000 coal industry jobs have been lost since 2011, and three of the four major mining companies have gone bankrupt, according to a new study by Columbia University's Center on Global Energy Policy. Even so, Mr. Trump remains obstinate in his "war on coal" statements and steadfast to his bloated campaign promises to laid-off miners, despite expert opinion, expressed in the study, that lifting vital environmental controls "will not materially improve" the coal industry's prospects.

>

> It is shocking that an administration led and staffed by supposedly shrewd business executives deliberately overlooks the blossoming of profitable and cleaner energy products simply because of Mr. Trump's hollow showmanship before his campaign base.

>

> Until now, the E.P.A. and the environmental safeguards Congress has ordered it to enforce have been crucial to the development of new technologies. To have Mr. Pruitt sully that history with false promises to a fading industry is irresponsible.

> The Associated Press

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[http://hosted.ap.org/dynamic/stories/U/US\\_TRUMP?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2017-09-17-09-16-50](http://hosted.ap.org/dynamic/stories/U/US_TRUMP?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2017-09-17-09-16-50)

> Trump's Week Anchored By Speech To UN General Assembly

> By Darlene Superville, 9/18/17

>

> President Donald Trump is making his debut at the United Nations and taking his complaints about the world body straight to the source.

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> In his first appearance as president, Trump on Monday was addressing a U.S.-sponsored event on reforming the 193-member organization he has sharply criticized.

>

> As a candidate for president, Trump labeled the U.N. as weak and incompetent, and not a friend of either the United States or Israel. But he has softened his tone since taking office, telling ambassadors from U.N. Security Council member countries at a White House meeting this year that the U.N. has "tremendous potential."

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> Trump more recently has praised a pair of unanimous council votes to tighten sanctions on North Korea over its continued nuclear weapon and ballistic missile tests.

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> Trump's big moment comes Tuesday, when he delivers his first address to a session of the U.N. General Assembly. The annual gathering of world leaders will open amid serious concerns about Trump's priorities, including his policy of "America First," his support for the U.N. and a series of global crises. It



will be the first time world leaders will be in the same room and able to take the measure of Trump.

>

> The president and U.N. Secretary-General Antonio Guterres will speak at Monday's reform meeting. The U.S. has asked member nations to sign a declaration on U.N. reforms, and more than 100 have done so. Trump wants the U.N. to cut spending and make other operational changes.

>

> Nikki Haley, the U.S. ambassador to the U.N., said Trump's criticisms were accurate at the time, but that it is now a "new day" at the U.N. An organization that "talked a lot but didn't have a lot of action" has given way to a "United Nations that's action-oriented," she said, noting the Security Council votes on North Korea this month.

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> Guterres has proposed a massive package of changes, and Haley said the U.N. is "totally moving toward reform."

>

> "We said that we needed to get value for our dollar and what we're finding is the international community is right there with us in support of reform. So it is a new day at the U.N.," she said Sunday on CNN's "State of the Union." She said Trump's pleas had been heard and "what we'll do is see him respond to that."

>

> Trump also planned to hold separate talks Monday with Israeli Prime Minister Benjamin Netanyahu and French President Emmanuel Macron. U.S. national security adviser H.R. McMaster said the conversations would be wide-ranging, but that "Iran's destabilizing behavior" would be a major focus of Trump's discussions with both leaders.

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> Breakthroughs on a Middle East peace agreement are not expected. Jared Kushner, Trump's son-in-law and senior adviser on the issue, recently returned from a trip to the Middle East.

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> Trump told Jewish leaders on a conference call last week that his team is working very hard to achieve a peace agreement between the Israelis and Palestinians and that he hoped to see "significant progress" on a deal before the end of the year. Trump is scheduled to meet later this week with Palestinian Authority President Mahmoud Abbas.

>

> Trump was also hosting a dinner for Latin American leaders. Venezuela, which has been gripped by economic and political turmoil, will be discussed, McMaster said.

>

> The United States is the largest contributor to the U.N. budget, reflecting its position as the world's largest economy. It pays 25 percent of the U.N.'s regular operating budget and over 28 percent of the separate peacekeeping budget - a level of spending that Trump has complained is unfair.

>

> "We need the member states to come together to eliminate inefficiency and bloat, and to ensure that no one nation shoulders a disproportionate share of the burden militarily or financially," Trump told the security council ambassadors as they dined at the White House in April. "This is only fair to our taxpayers."

>

> The Trump administration is conducting a review of the U.N.'s 16 far-flung peacekeeping operations, which cost nearly \$8 billion a year. Cutting their costs and making them more effective is a top priority for Haley.

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> Guterres has said he is totally committed to reforming the U.N. and making it more responsive to the needs of the 21st century world. As for the peacekeeping budget, he said last week that his intention is to do everything possible to make the missions "the most effective" as well as "cost-effective."

>

> The Washington Post

> [https://www.washingtonpost.com/politics/us-warns-that-time-is-running-out-for-peaceful-solution-with-north-korea/2017/09/17/101dcdea-9bd6-11e7-8ea1-ed975285475e\\_story.html?utm\\_term=.0bf313a591cc](https://www.washingtonpost.com/politics/us-warns-that-time-is-running-out-for-peaceful-solution-with-north-korea/2017/09/17/101dcdea-9bd6-11e7-8ea1-ed975285475e_story.html?utm_term=.0bf313a591cc)

> U.S. Warns That Time Is Running Out For Peaceful Solution With North Korea

> By David Nakamura and Anne Gearan, 9/17/17

>

> The Trump administration escalated its rhetoric against North Korea on Sunday, warning that time is running out for a peaceful solution between Kim Jong Un's regime and the United States and its allies.

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> Administration officials said the risk from North Korea's nuclear weapons program is rising, and they underscored that President Trump will confront the looming crisis at the U.N. General Assembly this week. Trump, who spoke by phone with South Korean President Moon Jae-in on Saturday, referred to Kim on Twitter as "Rocket Man" and asserted that "long gas lines" are forming in the North because of recent U.N. sanctions on oil imports.

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> Though Trump's top aides emphasized that the administration is examining all diplomatic measures to rein in Pyongyang, they made clear that military options remain on the table.

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> "If North Korea keeps on with this reckless behavior, if the United States has to defend itself or defend its allies in any way, North Korea will be destroyed," Nikki Haley, the U.S. ambassador to the United Nations, said Sunday on CNN's "State of the Union." "None of us want that. None of us want war. But we also have to look at the fact that you are dealing with someone [in Kim] who is being reckless, irresponsible and is continuing to give threats not only to the United States, but to all of its allies. So something is going to have to be done."

>

> The question remains, however, how realistic the Trump administration's threats are as the North quickly advances its nuclear and ballistic missile capabilities. Trump's latest tweets came two weeks after North Korea tested a nuclear device that experts said measured at 250 kilotons, 17 times the force of the atomic bomb that destroyed Hiroshima in World War II.

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> Trump warned Kim last month that the North would feel the "fire and fury" of the United States if the regime continued its threats and destabilized the Korean Peninsula and East Asia. But Kim promptly responded with new threats and a round of new weapons tests.

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> Trump is scheduled to join Moon and Japanese Prime Minister Shinzo Abe at a working lunch Thursday in New York, on the sidelines of the U.N. meetings, to discuss North Korea, White House aides said. Yet Trump will not have the opportunity to meet with Xi Jinping of China and Vladimir Putin of Russia; both leaders are skipping the annual gathering.

>

> Last week, Haley touted the U.N. sanctions on the North, saying that, if enacted, they would cut off 30 percent of oil imports and curtail 90 percent of Kim's exports, putting a major economic pinch on a government that has long struggled to provide for the nation's estimated 25 million people.

>

> Yet Trump said last week that he and Secretary of State Rex Tillerson are skeptical that the sanctions will have a significant impact on North Korea's nuclear ambitions. Administration officials reaffirmed the United States' long-standing policy that the North must agree to relinquish its nuclear arsenal as a prerequisite for direct diplomatic talks.

>

> "He's going to have to give up his nuclear weapons, because the president has said that he is not going to tolerate this regime threatening the United States and our citizens with a nuclear weapon," national security adviser H.R. McMaster said on ABC's "This Week."

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> Trump, McMaster added, has "been very clear about that, that all options are on the table."

>

> At the same time, the administration signaled that it is not pursuing regime change, a position that could help persuade Beijing to play a stronger role in pressuring Kim. China facilitates about 90 percent of North Korea's trade and provides its oil.

>

> Yet Tillerson said North Korea does not appear to be interested in denuclearization talks.

>

> “I’m waiting for the regime in North Korea to give us some indication that they’re prepared to have constructive, productive talks,” he said on CBS’s “Face the Nation.”

>

> “We have tried a couple of times to signal to them that we’re ready when they’re ready,” Tillerson added, “and they responded with more missile launches and a nuclear test. All they need to do to let us know they’re ready to talk is to just stop these tests, stop these provocative actions, and let’s lower the threat level and the rhetoric.”

>

> Many U.S. allies in Europe and elsewhere are strongly opposed to any use of force that could further destabilize the Korean Peninsula and East Asia. The two unanimous U.N. Security Council votes for sanctions in recent weeks have marked a new level of alarm from those allies, as well as Moscow and Beijing.

>

> But McMaster said Washington isn’t assuming the sanctions will work or buy time.

>

> “We all have our doubts about whether or not that’s going to be enough,” he said, “and so we have to prepare all options. We have to make sure all options are under development to ensure that this regime cannot threaten the world with a nuclear weapon.”

>

> Analysts have said the North has shown rapid improvements in its ballistic missile and nuclear technologies. Recent missile tests have demonstrated the range to potentially strike the continental United States, along with the technical capacity to mount a miniature nuclear device on a missile, analysts said.

>

> That has accelerated the urgency in Washington, at the White House and on Capitol Hill. Asked on CNN whether the Trump administration should continue to deny the North diplomatic talks until it ends its nuclear program, Sen. Dianne Feinstein (D-Calif.), a member of the Senate Intelligence Committee, said no.

>

> “I think that North Korea is not going to give up its program with nothing on the table,” she said. “I think that what could happen is that we could have reliable verification of a freeze of both the nuclear program and the missile arsenal, and that we could conceivably talk China into supporting that kind of a freeze, because it would carry with it no regime change and no war.”

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> The Washington Post

> [https://www.washingtonpost.com/national/health-science/shrink-at-least-4-national-monuments-and-modify-a-half-dozen-others-zinke-tells-trump/2017/09/17/a0df45cc-9b48-11e7-82e4-f1076f6d6152\\_story.html?utm\\_term=.1b78aa49bdc3](https://www.washingtonpost.com/national/health-science/shrink-at-least-4-national-monuments-and-modify-a-half-dozen-others-zinke-tells-trump/2017/09/17/a0df45cc-9b48-11e7-82e4-f1076f6d6152_story.html?utm_term=.1b78aa49bdc3)

> Shrink At Least 4 National Monuments And Modify A Half-Dozen Others, Zinke Tells Trump

> By Juliet Eilperin, 9/17/17

>

> Interior Secretary Ryan Zinke has recommended that President Trump modify 10 national monuments created by his immediate predecessors, including shrinking the boundaries of at least four western sites, according to a copy of the report obtained by The Washington Post.

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> The memorandum, which the White House has refused to release since Zinke submitted it late last month, does not specify exact reductions for the four protected areas Zinke would have Trump narrow — Utah’s Bears Ears and Grand Staircase-Escalante, Nevada’s Gold Butte, and Oregon’s Cascade-Siskiyou — or the two marine national monuments — the Pacific Remote Islands and Rose Atoll — for which he raised the same prospect. The two Utah sites encompass a total of more than 3.2 million acres, part of the reason they have aroused such intense emotions since their designation.

>

> The secretary’s set of recommendations also would change the way all 10 targeted monuments are managed. It emphasizes the need to adjust the proclamations to address concerns of local officials or affected industries, saying the administration should permit “traditional uses” now restricted within the

monuments' boundaries, such as grazing, logging, coal mining and commercial fishing.

>

> If enacted, the changes could test the legal boundaries of what powers a president holds under the 1906 Antiquities Act. Although Congress can alter national monuments easily through legislation, presidents have reduced their boundaries only on rare occasions.

>

> A section of the canyons within Utah's Grand Staircase-Escalante National Monument. (Douglas C. Pizac/AP)

> The memorandum, labeled "Final Report Summarizing Findings of the Review of Designations Under the Antiquities Act," shows Zinke concluded after a nearly four-month review that both Republican and Democratic presidents went too far in recent decades in limiting commercial activities in protected areas. The act, signed into law by President Theodore Roosevelt, gives the president wide latitude to protect public lands and waters that face an imminent threat.

>

> "It appears that certain monuments were designated to prevent economic activity such as grazing, mining and timber production rather than to protect specific objects," the report reads, adding that while grazing is rarely banned "outright," subsequent management decisions "can have the indirect result of hindering livestock-grazing uses."

>

> To correct this overreach, Zinke says, Trump should use his authority under the Antiquities Act to change each of the 10 sites' proclamations to permit activities that are now restricted. These include "active timber management" in Maine's Katahdin Woods and Waters; a broader set of activities in New Mexico's Organ Mountains-Desert Peaks and Rio Grande del Norte; and commercial fishing in the two Pacific Ocean marine monuments, as well as in one off the New England coast, Northeast Canyons and Seamounts.

>

> In most of his recommendations, Zinke suggests Trump amend the existing proclamations "to protect objects and prioritize public access; infrastructure upgrades, repair and maintenance; traditional use; tribal cultural use; and hunting and fishing rights."

>

> The White House is reviewing the recommendations and has not reached a final decision on them. At several points, the memo bears the marker "Draft Deliberative — Not for Distribution."

>

> In an email Sunday, White House spokeswoman Kelly Love said she would not discuss in detail a review that is still underway: "The Trump Administration does not comment on leaked documents, especially internal drafts which are still under review by the President and relevant agencies."

>

> The majority of the monuments listed in the report were established by either President Bill Clinton or President Barack Obama, but the two Pacific Ocean sites were created by President George W. Bush and later expanded by Obama.

>

> "No other administration has gone this far," Kristen Brengel, vice president of government affairs for the National Parks Conservation Association, said of the Trump White House in an interview. "This law was intended to protect places from development, not promote damaging natural and cultural resources."

>

> The secretary urges Trump to request congressional authority "to enable tribal co-management of designated cultural resources" in three ancestral sites: Bears Ears, Rio Grande del Norte and Organ Mountains-Desert Peaks.

>

> At the same time, he proposes not only shrinking the boundaries of Bears Ears but requesting that Congress make less-restrictive designations within it, "such as national recreation areas or national conservation areas." The monument, which contains tens of thousands of cultural artifacts, has become the most prominent symbol of the issues surrounding the Antiquities Act.

>

> Yet Zinke also suggests the administration explore the possibility of establishing three new national monuments that would recognize either African American or Native American history. These include

Kentucky's Camp Nelson, an 1863 Union Army outpost where African American regiments trained; the home of murdered civil rights hero Medgar Evers in Jackson, Miss.; and the 130,000-acre Badger-Two Medicine area in Zinke's home state of Montana, which is considered sacred by the Blackfeet Nation.

>

> "This process should include clear criteria for designations and methodology for meeting conservation and protection goals," he writes of these potential designations, adding that this course should be "fully transparent" to allow for public input.

>

> Trump signed an executive order in April directing Zinke to examine any national monument created since Jan. 1, 1996, and spanning at least 100,000 acres. The secretary ultimately included 27 of them, including Katahdin, which is roughly 87,500 acres.

>

> Before submitting Zinke's report to the White House in August, Interior had already announced that six of the monuments under scrutiny would remain unchanged. Zinke's memorandum is silent on the fate of the remaining 11 monuments, including Papahānaumokuākea, which Bush created but Obama expanded to more than 582,578 square miles of land and sea in the northwestern Hawaiian Islands.

>

> Conservative Republicans, including House Natural Resources Committee Chairman Rep. Rob Bishop of Utah, have long been critical of how presidents have used the Antiquities Act. Speaking to reporters last month, Bishop said that the law was not intended "to appoint the president as a dictator" and that federal officials needed to be more respectful of what state lawmakers and local residents thought of protecting areas near their communities.

>

> Ethan Lane, who directs the Public Lands Council at the National Cattlemen's Beef Association, said in an interview that what administration officials are doing is "going back in to look at these designations and ensuring that groups that are significantly impacted are heard. . . . They're going back and fixing what is wrong with a pretty hurried and nontransparent process."

>

> Grand Staircase-Escalante, which Clinton designated in 1996, later led to a land exchange between Utah and the federal government that was ratified by Congress and incorporated a \$14 million buyout of 17 leases held by Andalex Resources Inc. within the monument's boundaries.

>

> Zinke's report notes that the site contains "an estimated several billion tons of coal and large oil deposits" and that the limits of motorized vehicle use there "has created conflict with Kane and Garfield Counties' transportation network."

>

> In the case of the Pacific Remote Islands, the memo notes that before Bush protected it in 2009 "there were Hawaiian and American Samoan longliners and purse seiners vessels operating."

>

> National Geographic explorer in residence Enric Sala, who has conducted scientific surveys in the Pacific Remote Islands Marine National Monument, said in an email that any effort to restart commercial fishing within its boundaries "would not only harm the ecosystem the monument is supposed to protect, but also its ability to help replenish tuna fisheries around it."

>

> While concerns about ranching are raised more frequently than any other objection in the report, Zinke also writes that "border security is a concern resulting from the designation" of Organ Mountains-Desert Peaks near New Mexico's border with Mexico. Both the Homeland Security Department and the Pentagon should assess risks associated with the monument, he suggests, given the proximity of nearby military installations.

>

> U.S. Customs and Border Protection issued a letter in January 2014, before the site was designated, saying it would not impede security and would "significantly enhance the flexibility" of agents patrolling a five-mile strip along the border that was then an official wilderness study area.

>

> Changing the way these monuments are managed, as well as their size, is likely to spur a range of legal challenges. Both Trump's executive order and the report highlight the importance of protecting sites



though “the smallest area compatible with the proper care and management of the objects to be protected.”

>

> “Throughout the review, the Secretary has seen examples of objects not clearly defined in the proclamation,” the report reads. “Examples of such objects are geographic areas, ‘viewsheds,’ and ‘ecosystems.’”

>

> And in Katahdin, which is managed by the National Park Service, the secretary proposes amending its proclamation “to promote a healthy forest through active timber management.”

>

> Lucas St. Clair, whose family’s foundation donated the land to the federal government last year to create the monument, said he did not understand why the administration would be seeking changes since the Park Service already has the right to cut trees to maintain the property and protect visitors.

>

> “We need to look through the lens of protecting the conservation and recreational values of the monument. I’m not sure if timber management does that,” he said.

>

> The Wall Street Journal

> <https://www.wsj.com/articles/solar-power-death-wish-1505513718>

> Solar Power Death Wish

> By The Wall Street Journal Editorial Board, 9/16/17

>

> Billions of dollars in taxpayer subsidies haven’t made the U.S. solar industry competitive, and now two companies want to make it even less so. Suniva Inc., a bankrupt solar-panel maker, and German-owned SolarWorld Americas have petitioned the U.S. International Trade Commission (ITC) to impose tariffs on foreign-made crystalline silicon photovoltaic cells.

>

> Solar cells in the U.S. sell for around 27 cents a watt. The petitioners want to add a new duty of 40 cents a watt. They also want a floor price for imported panels of 78 cents a watt versus the market price of 37 cents. In other words, they want the government to double the cost of the main component used in the U.S. solar industry. Solar electricity prices could rise by some 30% if the ITC says they’ve been injured by foreign competition—a decision is due by Sept. 22—and the Trump Administration goes along with the tariff request.

>

> U.S. manufacturers won countervailing and antidumping duties against imports from China and Taiwan in 2012 and in 2015. But now they’re resorting to Section 201 of the Trade Act of 1974 because they don’t need to show they are victims of dumping or foreign government subsidies. They only need to show that imports have harmed them.

>

> The harm is real but that’s due to changes in the marketplace. The U.S. solar industry has discovered that its comparative advantage lies not in making panels, a basic product, but in adding value to imported cells and modules. This involves making and installing racking or framing systems and incorporating innovations like trackers that orient toward the sun.

>

> To turn sunshine into energy requires inverters that translate the energy captured on a solar panel into something that can be sent on the electrical grid. While there are fewer than 1,000 jobs in U.S. panel manufacturing, some 260,000 jobs rely on access to imported panels.

>

> Not even the investment firm financing the Suniva legal team for the petition believes in the future of U.S. solar panel manufacturing. SQN Capital Management, which is owed an estimated \$51 million by Suniva, wrote a letter in May to the Chinese chamber of commerce indicating that the 201 case would go away if a Chinese company bought Suniva’s \$55 million in manufacturing equipment.

>

> Higher prices for panels will also hurt utilities that have invested in renewable fuels. In an August 21 letter to the ITC, Diane Denton of Duke Energy wrote that over the last five years Duke has invested heavily in solar and has plans for more. But Duke needs “access to solar CSPV modules at globally-

competitive prices” so it can “provide cost-competitive solar power to our customers,” Ms. Denton wrote.

>

> The ITC hasn’t investigated a 201 trade case since the Bush Administration slapped a 30% tariff on steel imports in 2002. That fiasco cost an estimated 200,000 jobs in U.S. steel-consuming industries before the Administration dropped the tariffs 18 months later.

>

> Solar tariffs would be another destructive exercise that benefits a handful of Suniva and SolarWorld investors at the expense of everyone else—including the rest of the solar industry. This is protectionism at its worst.

>

> The Wall Street Journal

> <https://www.wsj.com/articles/california-democrats-target-tesla-1505677365>

> California Democrats Target Tesla

> By The Wall Street Journal Editorial Board, 9/18/17

>

> California Democrats have finally found a cause that’s worth suspending their environmental passions. The United Automobile Workers are struggling for a presence in Tesla’s Fremont plant, and organized labor has called in a political favor.

>

> Since 2010 California has offered a \$2,500 rebate to encourage consumers to buy electric vehicles. But last week, at unions’ behest, Democrats introduced an amendment to cap-and-trade spending legislation that would require participating manufacturers to get a sign-off from the state labor secretary verifying that they are “fair and responsible in their treatment of workers.”

>

> The legislation, which passed Friday, is a direct shot at Tesla. The Clean Vehicle Rebate Project has amounted to a \$82.5 million subsidy for the company, giving extra incentive to 32,842 Tesla buyers in seven years.

>

> Tesla’s sales have been built with taxpayer support. When Hong Kong cut back its electric-vehicle tax credits earlier this year, Tesla sales dropped to zero in April from nearly 3,000 the month earlier. And when Denmark scaled back incentives last year, electric-car sales plummeted by 70%.

>

> The labor secretary in California is hand-picked by unions and their Democratic allies, and last month the UAW and a few auto workers filed a complaint against Tesla with the National Labor Relations Board, alleging unfair labor practices.

>

> But the plant’s employees are doubtless aware of the union’s abysmal record in Fremont, which stretches back decades. In the early 1980s, the union’s control was so complete that General Motors couldn’t fire even workers who drank, used drugs and had sex at the Fremont plant. Roughly one in five workers failed to show up on any given day. The plant closed in 1982—no surprise. Auto workers got a second shot with a GM-Toyota joint venture, but that was shuttered in 2010.

>

> A record of closures and corruption contributed to the UAW’s defeat last month at a Mississippi Nissan plant, where workers voted nearly two-to-one against the union. Organized labor needs political coercion because it can’t win over workers on its own. As for electric cars and green subsidies, what progressive politicians give away with one hand they want to redistribute with another.

> TRUMP TWEETS

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[cid:image006.jpg@01D33061.C5476DB0] [cid:image007.jpg@01D33061.C5476DB0]

[cid:image008.jpg@01D33061.C5476DB0] [cid:image009.jpg@01D33061.C5476DB0]

>

>

> Michael Abboud

> U.S. Environmental Protection Agency

> Office of Public Affairs

> M: Ex. 6 - Personal Privacy

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> <image001.jpg>

> <image002.jpg>

> <image003.jpg>

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> <image006.jpg>

> <image007.jpg>

> <image008.jpg>

> <image009.jpg>

> <EPA Morning News Highlights 9.18.17.docx>



**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Coleman, Sam  
**Sent:** Thur 8/10/2017 10:25:29 PM  
**Subject:** Fwd: Weekly Report

FYSA

Samuel Coleman, P. E.,  
Deputy Regional Administrator

214.665.2100 Ofc

Ex. 6 - Personal Privacy	Desk
	Cell

[Coleman.sam@epa.gov](mailto:Coleman.sam@epa.gov)

Sent from my iPhone

Begin forwarded message:

**From:** "Coleman, Sam" <[Coleman.Sam@epa.gov](mailto:Coleman.Sam@epa.gov)>  
**Date:** August 10, 2017 at 3:42:43 PM CDT  
**To:** Weekly Report Group <[Weekly\\_Report\\_Group@epa.gov](mailto:Weekly_Report_Group@epa.gov)>  
**Cc:** "Starfield, Lawrence" <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>, "Dunham, Sarah" <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>, "Cleland-Hamnett, Wendy" <[Cleland-Hamnett.Wendy@epa.gov](mailto:Cleland-Hamnett.Wendy@epa.gov)>, "Shapiro, Mike" <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>, "Breen, Barry" <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>, "Minoli, Kevin" <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>, "Kenny, Shannon" <[Kenny.Shannon@epa.gov](mailto:Kenny.Shannon@epa.gov)>, "Coleman, Sam" <[Coleman.Sam@epa.gov](mailto:Coleman.Sam@epa.gov)>  
**Subject:** Weekly Report

## UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

# Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

## Ex. 5 - Deliberative Process

### **Tar Creek, Picher, Oklahoma**

Region 6 continues Operable Unit 5 field sampling to fill data gaps related to characterization of and potential risk related to sediment and surface water within the Tri-state Watershed investigation area. The sampling is being accomplished through joint coordination and cooperation with Region 7; the states of Oklahoma, Missouri and Kansas; the Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee tribes; and other federal and state agencies (U.S. Fish and Wildlife, U.S. Geological Survey, Oklahoma Department of Wildlife). The sampling is focusing on a tri-state watershed approach to address sediments and surface water in perennial streams that may be impacted by mining operations. The project area consists of seven watersheds, and covers approximately 437 square miles and 119 river miles. Senior Advisors Ken Wagner and Albert Kelly will tour the Tar Creek Superfund site on Monday, August 14. San Francisco-based media site, Timeline, is working on a story about how Picher evolved from a wartime boom town to a ghost town.

## Ex. 5 - Deliberative Process

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# **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Samuel Coleman, P. E.,  
Deputy Regional Administrator

214.665.2100 Ofc

Ex. 6 - Personal Privacy

Desk  
Cell

[Coleman.sam@epa.gov](mailto:Coleman.sam@epa.gov)

Sent from my iPhone

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]; Graham, Amy[graham.amy@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Konkus, John[konkus.john@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Hewitt, James[hewitt.james@epa.gov]  
**From:** Abboud, Michael  
**Sent:** Mon 9/18/2017 1:48:40 PM  
**Subject:** RE: FOR APPROVAL: EPA Morning News Highlights 9.18.17

Changes made. Any other changes?

-----Original Message-----

From: Wilcox, Jahan  
Sent: Monday, September 18, 2017 9:42 AM  
To: Graham, Amy <graham.amy@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>  
Cc: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Hewitt, James <hewitt.james@epa.gov>  
Subject: RE: FOR APPROVAL: EPA Morning News Highlights 9.18.17

Include this as well.

Big Oil Becomes Greener With Progress in Cutting Pollution  
Bloomberg  
September 18, 2017  
<https://bloom.bg/2jDfjBF>

-----Original Message-----

From: Graham, Amy  
Sent: Monday, September 18, 2017 9:41 AM  
To: Abboud, Michael <abboud.michael@epa.gov>  
Cc: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Hewitt, James <hewitt.james@epa.gov>  
Subject: Re: FOR APPROVAL: EPA Morning News Highlights 9.18.17

Move the hill article to the top and include the Fox Houston clip that we sent around this weekend below that.

> On Sep 18, 2017, at 9:37 AM, Abboud, Michael <abboud.michael@epa.gov> wrote:

>

> EPA Morning News Highlights 9.18.17

>

> The Washington Examiner: EPA Needs To Stick To Its Knitting

> Barack Obama decided that the 1992 Clean Air Act gave the Environmental Protection Agency the authority to force states to regulate carbon dioxide emissions from power plants. He also expanded the Clean Water Act with a regulation called "Waters of the United States," which aimed to give the EPA regulatory control over land if sometimes it holds standing water. The running theme of the Obama EPA was expanding the agency's reach and multiplying its responsibilities. This campaign was repeatedly halted by courts, but it has threatened to erode liberty and make life more expensive for families, farmers, and companies. But the most tangible consequence of the EPA's mission creep has been the neglect of its core functions.

>

> The Hill: EPA Chief Heads To Texas To See Harvey Cleanup

> Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Houston on Friday to see Hurricane Harvey cleanup efforts and survey work by environmental officials. Pruitt toured the San Jacinto River Waste Pits Superfund site and met with leading federal and state officials involved in environmental oversight of the area's recovery from the historic storm, which dumped more than 40

inches of rain on the area, the agency said.

>

> The Washington Times: White House: No Thaw On Paris Climate Accord Unless Trump Gets Better Deal

> Trump administration officials said Sunday that the president's stance on the Paris climate agreement hasn't changed: He's open to re-engaging as long as he gets a better deal. Secretary of State Rex W. Tillerson said the administration would reconsider its decision to withdraw from the accord "under the right conditions," while National Security Adviser H.R. McMaster said President Trump is willing to look at alternatives that fix the "flawed agreement." "He's out of the Paris climate accord. What he said — the door is open," Mr. McMaster said on "Fox News Sunday." "If you look at what he said on the day that he announced withdrawing from the accord, he said at some point in the future, if there can be a deal that addresses these fundamental flaws, he's open to it."

>

> Texas Tribune: EPA Approves Expedited Loan Funding For Harvey-Related Water Projects

> The Environmental Protection Agency this week approved a request from Texas officials to expedite funding to help local governments restore water and wastewater systems damaged by Hurricane Harvey. The Texas Water Development Board, which administers an EPA low-interest loan program for the state, asked the federal agency in a Sept. 1 letter for the flexibility to quicken loan distribution procedures. In the letter, the board said loan money could serve as a bridge to meet immediate recovery needs for damaged water systems while local governments wait for other federal aid.

>

> KOSU 91.7: Guarded Hope At Oklahoma's Abandoned Mine As EPA Promises Focus On Contaminated Sites

> Newly minted U.S. Environmental Protection Agency Administrator Scott Pruitt spent his first months on the job steering the agency away from climate change to focus, in part, on cleaning up contaminated sites around the country. The former Oklahoma attorney general has directed a task force to create a top-10 list of locations that need aggressive attention — welcome news at Superfund sites like Tar Creek in the northeastern corner of the state. The spot where Kansas, Missouri and Oklahoma meet was once one of the world's largest sources of lead and zinc. About half of the lead and zinc the military needed in World War I was produced here, in 300 miles of caverns hollowed out underneath towns like Picher, Cardin and Commerce.

>

> The Washington Examiner: Pruitt Deploys EPA's Elite Frogmen In Post-Hurricane Inspections

> The Environmental Protection Agency deployed a team of divers Friday to begin inspecting a flooded toxic waste site in Texas in the aftermath of Hurricane Harvey. "EPA remains committed to providing the necessary resources and personnel to ensure those affected by the devastation of Hurricane Harvey receive proper agency attention," said Administrator Scott Pruitt on Friday after arriving in Houston to tour the Superfund waste sites. Pruitt began his visit by inspecting the San Jacinto River Waste Pits Superfund site. As Pruitt toured the site, "an EPA dive team" began conducting underwater inspections of the site, the agency said.

>

> The New York Times: Using The E.P.A. To Prop Up Big Coal

> The Trump administration is unflinching in its misbegotten campaign to protect the coal industry from what has become an obvious and inevitable decline. Eight months in, the administration has already killed, or is in the process of killing, rules that would prevent the dumping of coal mining wastes in streams, impose a temporary moratorium on new mine leases in the West, and reduce greenhouse gas emissions from coal-fired power plants — one of President Barack Obama's most important efforts to resist climate change. All of this to prop up an industry whose workers would be best served not by false promises of new mining jobs, but by aggressive programs to retrain them for a changing economy. The latest ritualistic bow from Scott Pruitt, the administrator of the Environmental Protection Agency who has presented himself as an industry savior, was to order last week a two-year postponement of the Obama administration's tighter controls on lead, mercury, arsenic and other coal plant wastes that threaten human health. Delaying the rule's effective date to November 2020, Mr. Pruitt said, merely "resets the clock."

>

> National Morning News Highlights 9.18.17

>

> The Associated Press: Trump's Week Anchored By Speech To UN General Assembly

> President Donald Trump is making his debut at the United Nations and taking his complaints about the world body straight to the source. In his first appearance as president, Trump on Monday was addressing a U.S.-sponsored event on reforming the 193-member organization he has sharply criticized. As a candidate for president, Trump labeled the U.N. as weak and incompetent, and not a friend of either the United States or Israel. But he has softened his tone since taking office, telling ambassadors from U.N. Security Council member countries at a White House meeting this year that the U.N. has "tremendous potential."

>

> The Washington Post: U.S. Warns That Time Is Running Out For Peaceful Solution With North Korea

> The Trump administration escalated its rhetoric against North Korea on Sunday, warning that time is running out for a peaceful solution between Kim Jong Un's regime and the United States and its allies. Administration officials said the risk from North Korea's nuclear weapons program is rising, and they underscored that President Trump will confront the looming crisis at the U.N. General Assembly this week. Trump, who spoke by phone with South Korean President Moon Jae-in on Saturday, referred to Kim on Twitter as "Rocket Man" and asserted that "long gas lines" are forming in the North because of recent U.N. sanctions on oil imports. Though Trump's top aides emphasized that the administration is examining all diplomatic measures to rein in Pyongyang, they made clear that military options remain on the table.

>

> The Washington Post: Shrink At Least 4 National Monuments And Modify A Half-Dozen Others, Zinke Tells Trump

> Interior Secretary Ryan Zinke has recommended that President Trump modify 10 national monuments created by his immediate predecessors, including shrinking the boundaries of at least four western sites, according to a copy of the report obtained by The Washington Post. The memorandum, which the White House has refused to release since Zinke submitted it late last month, does not specify exact reductions for the four protected areas Zinke would have Trump narrow — Utah's Bears Ears and Grand Staircase-Escalante, Nevada's Gold Butte, and Oregon's Cascade-Siskiyou — or the two marine national monuments — the Pacific Remote Islands and Rose Atoll — for which he raised the same prospect. The two Utah sites encompass a total of more than 3.2 million acres, part of the reason they have aroused such intense emotions since their designation. The secretary's set of recommendations also would change the way all 10 targeted monuments are managed. It emphasizes the need to adjust the proclamations to address concerns of local officials or affected industries, saying the administration should permit "traditional uses" now restricted within the monuments' boundaries, such as grazing, logging, coal mining and commercial fishing.

>

> The Wall Street Journal: Solar Power Death Wish

> Billions of dollars in taxpayer subsidies haven't made the U.S. solar industry competitive, and now two companies want to make it even less so. Suniva Inc., a bankrupt solar-panel maker, and German-owned SolarWorld Americas have petitioned the U.S. International Trade Commission (ITC) to impose tariffs on foreign-made crystalline silicon photovoltaic cells. Solar cells in the U.S. sell for around 27 cents a watt. The petitioners want to add a new duty of 40 cents a watt. They also want a floor price for imported panels of 78 cents a watt versus the market price of 37 cents. In other words, they want the government to double the cost of the main component used in the U.S. solar industry. Solar electricity prices could rise by some 30% if the ITC says they've been injured by foreign competition—a decision is due by Sept. 22—and the Trump Administration goes along with the tariff request. U.S. manufacturers won countervailing and antidumping duties against imports from China and Taiwan in 2012 and in 2015. But now they're resorting to Section 201 of the Trade Act of 1974 because they don't need to show they are victims of dumping or foreign government subsidies. They only need to show that imports have harmed them.

>

> The Wall Street Journal: California Democrats Target Tesla

> California Democrats have finally found a cause that's worth suspending their environmental passions. The United Automobile Workers are struggling for a presence in Tesla's Fremont plant, and organized labor has called in a political favor. Since 2010 California has offered a \$2,500 rebate to encourage

consumers to buy electric vehicles. But last week, at unions' behest, Democrats introduced an amendment to cap-and-trade spending legislation that would require participating manufacturers to get a sign-off from the state labor secretary verifying that they are "fair and responsible in their treatment of workers." The legislation, which passed Friday, is a direct shot at Tesla. The Clean Vehicle Rebate Project has amounted to a \$82.5 million subsidy for the company, giving extra incentive to 32,842 Tesla buyers in seven years.

>

> TRUMP TWEETS

>

> The Washington Examiner

> <http://www.washingtonexaminer.com/epa-needs-to-stick-to-its-knitting/article/2634483>

> EPA Needs To Stick To Its Knitting

> By The Washington Examiner Editorial Board, 9/18/17

>

> Barack Obama decided that the 1992 Clean Air Act gave the Environmental Protection Agency the authority to force states to regulate carbon dioxide emissions from power plants.

>

> He also expanded the Clean Water Act with a regulation called "Waters of the United States," which aimed to give the EPA regulatory control over land if sometimes it holds standing water.

>

> The running theme of the Obama EPA was expanding the agency's reach and multiplying its responsibilities. This campaign was repeatedly halted by courts, but it has threatened to erode liberty and make life more expensive for families, farmers, and companies.

>

> But the most tangible consequence of the EPA's mission creep has been the neglect of its core functions.

>

> Trump's EPA Administrator Scott Pruitt laid out Obama's legacy in a recent interview with the Washington Examiner. "He left us with more Superfund sites than when he came in," Pruitt said, referring to contaminated lands which the EPA is supposed to be remediating. "He had Gold King and Flint, Michigan," Pruitt went on, referring to the massive 2015 spill of mine waste into the Animas and San Juan Rivers. Obama also left "air quality standards 40 percent of the country in nonattainment," Pruitt added.

>

> The problem? Obama's EPA wouldn't stick to its knitting. Pruitt aptly described the EPA's mindset under Obama: "We think we just ought to re-imagine authority because you know what? We don't know if people are going to pass regulations or states are going to do their jobs."

>

> Pruitt promises to return the EPA to its proper mission and to limit its activities to those actually prescribed by Congress. Will Pruitt's EPA address greenhouse gas emissions? Obama justified his Clean Power Plan by asserting the urgency of the issue. But the executive's belief that an issue is important doesn't give the executive branch the power to address an issue.

>

> The EPA has only the power Congress has given it. Repeatedly, Obama tried to get Congress to pass climate legislation. Repeatedly, he failed. This should have been taken as a sign that there is no democratic will for it. But Obama took these failures exactly the wrong way, deciding that if Congress won't act, he would act on his own.

>

> This is like a soldier deciding that if his officers won't give him permission to shoot, he'll just have to give himself the order to fire.

>

> On climate, Pruitt says the relevant question is "what tools are in the toolbox of this agency to deal with CO2?" Neither Pruitt nor Trump are allowed to put tools in there. Only Congress can. "We're not going to simply just make up our authority," Pruitt said.

>

> Doing exactly what you are called to do by the proper authorities is not a very exciting mission. But such is the lot of conservatism. Executive agencies are role-players, and even the president doesn't get to

determine their role. The Constitution is very clear that Congress alone has that power.

>

> We applaud Pruitt's mission of restoring the EPA to its proper shape and size. And we hope he has the humility, the diligence, and the skill to pull it off, for the sake of the Constitution, the economy, and the environment.

>

> The Hill

> <http://thehill.com/policy/energy-environment/350925-epa-head-visits-harvey-cleanup-in-texas>

> EPA Chief Heads To Texas To See Harvey Cleanup

> By Tim Cama, 9/15/17

>

> Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Houston on Friday to see Hurricane Harvey cleanup efforts and survey work by environmental officials.

>

> Pruitt toured the San Jacinto River Waste Pits Superfund site and met with leading federal and state officials involved in environmental oversight of the area's recovery from the historic storm, which dumped more than 40 inches of rain on the area, the agency said.

>

> The EPA chief and his staff have faced criticism on a number of fronts since Harvey hit late last month.

>

> Pruitt, a skeptic of the scientific consensus on climate change, told CNN it was "insensitive" to discuss the role of climate change in the storm during recovery efforts.

>

> In addition, the agency was criticized for not immediately inspecting Superfund sites on the ground after Harvey hit and officials rolled back a chemical plant safety rule earlier this year designed to mitigate incidents like a plant explosion near Houston.

>

> "EPA remains committed to providing the necessary resources and personnel to ensure those affected by the devastation of Hurricane Harvey receive proper agency attention," Pruitt said in a statement after his tour and meetings with EPA, Federal Emergency Management Agency and Texas Council on Environmental Quality officials.

>

> "We continue to work closely with our federal, state, and local partners to ensure Superfund are being properly secured, fuel prices remain stabilized, and infrastructure and environmental assessments are thoroughly carried out," he said.

>

> In addition to the San Jacinto River Waste Pits tour, Pruitt did a flyover tour of six other Superfund cleanup sites in the area, the EPA said.

> The Washington Times

> <http://www.washingtontimes.com/news/2017/sep/17/donald-trump-leaving-paris-climate-agreement-unless-h/>

> White House: No Thaw On Paris Climate Accord Unless Trump Gets Better Deal

> By Valerie Richardson, 9/17/17

>

> Trump administration officials said Sunday that the president's stance on the Paris climate agreement hasn't changed: He's open to re-engaging as long as he gets a better deal.

>

> Secretary of State Rex W. Tillerson said the administration would reconsider its decision to withdraw from the accord "under the right conditions," while National Security Adviser H.R. McMaster said President Trump is willing to look at alternatives that fix the "flawed agreement."

>

> "He's out of the Paris climate accord. What he said — the door is open," Mr. McMaster said on "Fox News Sunday." "If you look at what he said on the day that he announced withdrawing from the accord, he said at some point in the future, if there can be a deal that addresses these fundamental flaws, he's open to it."

>



> Mr. Trump announced in June he would pull out of the 2015 agreement, which seeks to limit increases in global temperatures, saying it was “less about climate and more about other countries gaining a financial advantage.”

>

> At the time Mr. Trump said that he would be willing to renegotiate the agreement or enter into a new accord that placed less of the economic burden on U.S. companies and workers.

>

> The discussion was spurred by a Saturday Wall Street Journal report saying that a White House adviser suggested a compromise to revise the agreement in exchange for U.S. re-engagement at an international meeting in Montreal, which Mr. McMaster disputed as “false.”

>

> “What the president has said is that we are withdrawing from the Paris accord. He left the door open to re-entering at some later time if there can be a better deal for the United States,” Mr. McMaster said on ABC’s “This Week.”

>

> The White House insisted that there has been “no change on the U.S.’ position on the Paris agreement.

>

> “As the president has made abundantly clear, the United States is withdrawing unless we can re-enter on terms that are more favorable to our country,” said White House spokesperson Lindsay Walters.

>

> Environmentalists weren’t holding their breath. “The latest fire drill on the Paris agreement proves only one thing: Donald Trump can’t be trusted,” said Ben Schreiber, Friends of the Earth senior political strategist.

>

> “Even if Trump does decide to stay in the Paris agreement, it will not be a victory for the planet because Trump’s actions have made it clear that he has no intention of doing our fair share on climate change,” said Mr. Schreiber.

>

> Foes of the pact have argued that it represents a wealth transfer to other countries from the U.S., which already leads the world in reducing carbon dioxide emissions, thanks largely to the switch by many power plants from coal to natural gas.

>

> Mr. Tillerson said the accord gave too much to “the second-largest economy in the world, China,” which has seen its carbon emissions climb.

>

> “If you look at those targets in terms of the Paris climate accord, they were just really out of balance for the two largest economies,” Mr. Tillerson said on “Face the Nation” on CBS.

>

> He said National Economic Council Director Gary Cohn is steering the administration’s position on the Paris accord.

>

> “So I think the plan is for Director Cohn to consider other ways in which we can work with partners in the Paris climate accord,” Mr. Tillerson said. “We want to be productive. We want to be helpful. The U.S. actually has a tremendous track record on reducing our own greenhouse gas emissions.”

>

> Ratified so far by 160 countries, the agreement sets a goal of keeping global temperature increases at well below 2 degrees Celsius from pre-industrial levels by 2100.

>

> President Obama ratified the agreement in 2016 by executive action, instead of bringing the accord before the Senate, after it was negotiated at the 2015 U.N. Climate Change Conference in Paris.

> Texas Tribune

> <https://www.texastribune.org/2017/09/15/epa-approves-expedited-loan-funding-harvey-related-water-projects/>

> EPA Approves Expedited Loan Funding For Harvey-Related Water Projects

> By Katie Riordan, 9/15/17

>



> The Environmental Protection Agency this week approved a request from Texas officials to expedite funding to help local governments restore water and wastewater systems damaged by Hurricane Harvey.

>

> The Texas Water Development Board, which administers an EPA low-interest loan program for the state, asked the federal agency in a Sept. 1 letter for the flexibility to quicken loan distribution procedures. In the letter, the board said loan money could serve as a bridge to meet immediate recovery needs for damaged water systems while local governments wait for other federal aid.

>

> "We're trying to be another party getting funds to communities when they need them," said Jessica Zuba, the deputy executive administrator of water supply and infrastructure at the TWDB. "In the past, there's been a feeling that federal funding can take quite a bit of time lag. We wanted to ... use our capacity and funds and bridge some of that time."

>

> Zuba said the board is reaching out to several cities where Harvey's flooding impacted water infrastructure — such as Pearland, south of Houston, and Rose City, outside Beaumont — to talk about recovery funding needs.

> Harvey's flooding had a sweeping impact on water systems across Texas. At least five public drinking systems throughout the state were destroyed by flooding, and 14 systems remain inoperable, according to the Texas Commission on Environmental Quality. At least 31 waste water facilities are inoperable.

>

> The Texas Water Development Board has about half a billion dollars in loan capacity through the Clean Water State Revolving Fund. This fund has historically provided low-interest loans to cities, districts and other water authorities to finance wastewater infrastructure. But its scope was expanded last year to include more stormwater projects, potentially meaning a large portion of it could be distributed for post-Harvey infrastructure proposals.

>

> "There's a need right now for the interim financing to get communities back online and back serving their customers, and there's also: 'How do we prepare for the next disaster?'" Zuba said.

>

> The fund's large loan capacity could be used for long-term stormwater resiliency projects, Zuba said. This could appeal to cities looking to finance the initial phases of large-scale infrastructure projects and then later rely on federal funding from agencies such as FEMA to continue construction.

>

> Since last August, the TWDB has approved three non-Harvey-related stormwater projects, totaling about \$35.5 million. The city of Houston has a \$47 million loan application pending to finance stormwater control infrastructure including extensions for flood reduction along Brays Bayou. The city filed this application before Hurricane Harvey hit, and the board expects to review it in October. The TWDB anticipates more applications from Harris County, which includes Houston, as the county's storm recovery plans solidify.

>

> The TWDB has sought assurance from the EPA that its loan financing would not make water projects ineligible for future federal grants as rebuilding from Harvey continues.

>

> Gov. Greg Abbott also got behind the board's request to get infrastructure funding to communities as quickly as possible. He sent his own letter to EPA chief Scott Pruitt, asking for streamlined loan options.

>

> Zuba said it is hard to speculate how many loans applications the TWDB might receive but that volume is expected to increase and cooperation with the federal government is making the process easier.

>

> "The flexibility that the EPA is willing to work with us is a great achievement," she said.

> KOSU 91.7

> <http://kosu.org/post/guarded-hope-oklahomas-abandoned-mine-epa-promises-focus-contaminated-sites>

> Guarded Hope At Oklahoma's Abandoned Mine As EPA Promises Focus On Contaminated Sites

> By Joe Wertz, 9/15/17

>

> Newly minted U.S. Environmental Protection Agency Administrator Scott Pruitt spent his first months on the job steering the agency away from climate change to focus, in part, on cleaning up contaminated sites around the country.

>

> The former Oklahoma attorney general has directed a task force to create a top-10 list of locations that need aggressive attention — welcome news at Superfund sites like Tar Creek in the northeastern corner of the state.

>

> The spot where Kansas, Missouri and Oklahoma meet was once one of the world's largest sources of lead and zinc. About half of the lead and zinc the military needed in World War I was produced here, in 300 miles of caverns hollowed out underneath towns like Picher, Cardin and Commerce.

>

> In 1983, Tar Creek became one of the first sites added to EPA's Superfund list. The law helps identify sites contaminated by dangerous substances, prevents hazards and makes responsible parties pay for cleanup.

>

> Tar Creek is one of the oldest sites on a list of roughly 1,330 Superfund sites across the country. It's large and has a lot of public health risks. It's the kind of cleanup EPA Administrator Scott Pruitt is signaling is a priority.

>

> "There are many that have been on that National Priority List for decades, languishing for direction, leadership, answers," Pruitt told a U.S. House subcommittee in June.

>

> Mining in the tri-state district peaked in the 1920s and stopped by the '70s. The miners left town; Cave-ins, dangerous dust and caustic water remained. Blood tests showed elevated levels of lead in more than 40 percent of children in some communities.

>

> Most residents took buyouts to leave the former mining towns, which are largely abandoned by anyone not driving a truck tasked with hauling off hills of gravelly waste called chat that fill the horizon like moon-colored dunes.

>

> "We're averaging an almost 3,000 tons a day of of chat to the repository," says Craig Kreman, assistant environmental director for the Quapaw tribe.

>

> The chat piles are just one part of the problem. Much of the ore was buried below the water table. When the companies left and stopped pumping the mines dry, the caverns filled up. Water carrying cadmium, lead and other toxic metals bubbles to the surface into Tar Creek and downstream into a critical watershed.

>

> The EPA didn't respond to interview requests. In the testimony on Capitol Hill, representatives pressed Pruitt on how he could champion the Superfund program while simultaneously supporting a budget plan from President Trump that slashes the program's funding by nearly one-third.

>

> "It's more about decision-making, leadership and management than money, presently," he said. Later, Pruitt told the committee he'd push for more funding if he felt it were needed.

>

> Katherine Probst, an independent consultant who has spent 20 years researching and evaluating EPA's Superfund program, says poor funding has plagued the program for decades.

>

> "They don't have the money to clean up an average Superfund site in most states," she says. "They just don't have \$25 million to clean up a site."

>

> Superfund was initially funded by a trust fed by taxes on crude oil, chemicals and environmental taxes levied on corporations. Those taxes expired in 1995 and were not reauthorized. The money now comes by way of congressional appropriations. Research from Probst and the U.S. Government Accountability Office shows funding for Superfund has declined for nearly two decades — under Republican and

Democratic administrations.

>

> Probst says Superfund sites would benefit from clearing bureaucratic red tape, which Pruitt pledges to do. Technical problems are stalling progress at some sites. Others are delayed by foot-dragging by companies deemed responsible for contamination. Other roadblocks are unknown due to poor data about the sites and the health hazards they pose.

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> Rebecca Jim, the executive director for L.E.A.D. Agency, says the government's attention to Superfund faded alongside the tax money.

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> "Superfund is broke," she says.

>

> Jim founded the nonprofit in the mid-'90s to organize and amplify local residents' concerns about the Tar Creek contamination and cleanup. The group's headquarters in nearby Miami has become an information hub about the contaminated site and a community center for local youth.

>

> Jim would like Superfund's stream of tax money restored, but acknowledges that's likely a pipe dream.

>

> "You get a good start in trying to do the clean up, but you just do a little at a time — that's all you can do," she says.

>

> In 2012, the EPA signed an agreement for the Quapaw to lead and manage the Tar Creek project — the first tribal-led cleanup of a federal Superfund site. Earlier this year, the agency awarded the tribe \$4.8 million to clean up soil from contaminated tribal lands.

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> Jim says the tribal management is a positive development for Tar Creek.

>

> "We've got some real hope to start restoring some larger pieces of land, but it costs money," she says.

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> Top EPA officials recently traveled to northeastern Oklahoma for a tour of the Tar Creek Superfund site. Kreman with the Quapaw says the tribe hopes the agency's visit is a good sign.

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> "We took them up top a chat pile and they can see, for miles, the effects Tar Creek has had on the environment on the community," he says.

>

> Kreman says Tar Creek still needs tens of millions in federal money to support a cleanup that will likely continue for decades. If Superfund's budget is slashed, Tar Creek will compete with others for a smaller slice of funding.

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> When the top-10 list comes out, Kreman and Jim hope Tar Creek is on it and that the contamination in their community once again is recognized as one of the country's most polluted places.

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> "Every single acre is a celebration. Every bit of water that's cleaned up before it enters Tar Creek, that's a celebration," Jim says. "I'm just waiting for the big one. The big joy when it's done."

> The Washington Examiner

> <http://www.washingtonexaminer.com/pruitt-deploys-epas-elite-frogmen-in-post-hurricane-inspections/article/2634623>

> Pruitt Deploys EPA's Elite Frogmen In Post-Hurricane Inspections

> By John Siciliano, 9/15/17

>

> The Environmental Protection Agency deployed a team of divers Friday to begin inspecting a flooded toxic waste site in Texas in the aftermath of Hurricane Harvey.

>

> "EPA remains committed to providing the necessary resources and personnel to ensure those affected by the devastation of Hurricane Harvey receive proper agency attention," said Administrator Scott Pruitt on Friday after arriving in Houston to tour the Superfund waste sites.

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> Pruitt began his visit by inspecting the San Jacinto River Waste Pits Superfund site. As Pruitt toured the site, "an EPA dive team" began conducting underwater inspections of the site, the agency said.

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> "EPA will continue to keep the public informed as assessments of the site continue and site determinations are made by the dive team," the agency added.

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> EPA has a robust team of divers that dates to its creation in the 1970s. "Our first dive units were established in Seattle and Gulf Breeze, Florida, to support EPA's monitoring, research and emergency response efforts," the agency's website said. "In 2016, we conducted 946 dives involving 65 divers in nine diving units across the country."

>

> EPA's team of environmental divers have some hazardous jobs that include sampling submerged drums of "unknown materials," mapping illegal underwater dump sites, and inspecting waste discharges from seafood processing facilities, to name a few, according to the agency. The divers also can be found assessing the health of seagrass meadows, coral reefs, and other important marine habitats.

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> Pruitt later left the divers to take to the skies with the Coast Guard for an aerial inspection of other waste cleanup sites.

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> The New York Times

> <https://www.nytimes.com/2017/09/18/opinion/using-the-epa-to-prop-up-big-coal.html>

> Using The E.P.A. To Prop Up Big Coal

> The New York Times Editorial Board, 9/18/17

>

> The Trump administration is unflinching in its misbegotten campaign to protect the coal industry from what has become an obvious and inevitable decline. Eight months in, the administration has already killed, or is in the process of killing, rules that would prevent the dumping of coal mining wastes in streams, impose a temporary moratorium on new mine leases in the West, and reduce greenhouse gas emissions from coal-fired power plants — one of President Barack Obama's most important efforts to resist climate change. All of this to prop up an industry whose workers would be best served not by false promises of new mining jobs, but by aggressive programs to retrain them for a changing economy.

>

> The latest ritualistic bow from Scott Pruitt, the administrator of the Environmental Protection Agency who has presented himself as an industry savior, was to order last week a two-year postponement of the Obama administration's tighter controls on lead, mercury, arsenic and other coal plant wastes that threaten human health. Delaying the rule's effective date to November 2020, Mr. Pruitt said, merely "resets the clock."

>

> What it does, rather, is to try to twist the clock back to the day when coal was essentially a monopoly fuel, a day that practical-minded utility executives know is long gone. In fact, these executives are busily shutting down coal-fired plants in favor of more affordable energy sources like natural gas and wind and solar power.

>

> "We're not going to build any more coal plants; that's not going to happen," Chris Beam, head of Appalachian Power, West Virginia's largest utility, bluntly told the state last April, despite President Trump's phantasmagorical campaign promise to resurrect lost jobs for coal miners. No less candid, Lynn Good, the head of Duke Energy, America's largest utility, defended the closing of 12 coal plants across five years, with more to come, in order to cut the company's coal-fired energy output by a third: "Our strategy will continue to be to drive carbon out of our business."

>

> In February, one of the nation's biggest coal-fired plants, the Navajo Generating Station in Arizona, set plans to shut down by the end of 2019 — more than two decades earlier than expected — in order to turn to alternatives, cut consumer prices and shed the notoriety of being the third-worst carbon polluter in the nation, according to the ratings of the (pre-Trump) E.P.A.

>

> While environmental rules have played some role in the closing of coal-fired plants, the main driver is cheaper and abundant natural gas. Coal's use in power generation has been declining since 2007, and by 2016 coal-fired plants produced only 30 percent of the nation's total generation, compared with 50 percent in 2003.

>

> The trend will continue; an estimated 46-plus coal-fired units will close at 25 electricity plants in 16 states over the next five years, according to the Institute for Energy Economics and Financial Analysis. In its outlook for 2017, the institute skewered Mr. Trump's campaign vows, saying, "Promises to create more coal jobs will not be kept — indeed the industry will continue to cut payrolls."

>

> About 60,000 coal industry jobs have been lost since 2011, and three of the four major mining companies have gone bankrupt, according to a new study by Columbia University's Center on Global Energy Policy. Even so, Mr. Trump remains obstinate in his "war on coal" statements and steadfast to his bloated campaign promises to laid-off miners, despite expert opinion, expressed in the study, that lifting vital environmental controls "will not materially improve" the coal industry's prospects.

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> It is shocking that an administration led and staffed by supposedly shrewd business executives deliberately overlooks the blossoming of profitable and cleaner energy products simply because of Mr. Trump's hollow showmanship before his campaign base.

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> Until now, the E.P.A. and the environmental safeguards Congress has ordered it to enforce have been crucial to the development of new technologies. To have Mr. Pruitt sully that history with false promises to a fading industry is irresponsible.

> The Associated Press

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[http://hosted.ap.org/dynamic/stories/U/US\\_TRUMP?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2017-09-17-09-16-50](http://hosted.ap.org/dynamic/stories/U/US_TRUMP?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2017-09-17-09-16-50)

> Trump's Week Anchored By Speech To UN General Assembly

> By Darlene Superville, 9/18/17

>

> President Donald Trump is making his debut at the United Nations and taking his complaints about the world body straight to the source.

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> In his first appearance as president, Trump on Monday was addressing a U.S.-sponsored event on reforming the 193-member organization he has sharply criticized.

>

> As a candidate for president, Trump labeled the U.N. as weak and incompetent, and not a friend of either the United States or Israel. But he has softened his tone since taking office, telling ambassadors from U.N. Security Council member countries at a White House meeting this year that the U.N. has "tremendous potential."

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> Trump more recently has praised a pair of unanimous council votes to tighten sanctions on North Korea over its continued nuclear weapon and ballistic missile tests.

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> Trump's big moment comes Tuesday, when he delivers his first address to a session of the U.N. General Assembly. The annual gathering of world leaders will open amid serious concerns about Trump's priorities, including his policy of "America First," his support for the U.N. and a series of global crises. It will be the first time world leaders will be in the same room and able to take the measure of Trump.

>

> The president and U.N. Secretary-General Antonio Guterres will speak at Monday's reform meeting. The U.S. has asked member nations to sign a declaration on U.N. reforms, and more than 100 have done so. Trump wants the U.N. to cut spending and make other operational changes.

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> Nikki Haley, the U.S. ambassador to the U.N., said Trump's criticisms were accurate at the time, but that it is now a "new day" at the U.N. An organization that "talked a lot but didn't have a lot of action" has given way to a "United Nations that's action-oriented," she said, noting the Security Council votes on



North Korea this month.

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> Guterres has proposed a massive package of changes, and Haley said the U.N. is "totally moving toward reform."

>

> "We said that we needed to get value for our dollar and what we're finding is the international community is right there with us in support of reform. So it is a new day at the U.N.," she said Sunday on CNN's "State of the Union." She said Trump's pleas had been heard and "what we'll do is see him respond to that."

>

> Trump also planned to hold separate talks Monday with Israeli Prime Minister Benjamin Netanyahu and French President Emmanuel Macron. U.S. national security adviser H.R. McMaster said the conversations would be wide-ranging, but that "Iran's destabilizing behavior" would be a major focus of Trump's discussions with both leaders.

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> Breakthroughs on a Middle East peace agreement are not expected. Jared Kushner, Trump's son-in-law and senior adviser on the issue, recently returned from a trip to the Middle East.

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> Trump told Jewish leaders on a conference call last week that his team is working very hard to achieve a peace agreement between the Israelis and Palestinians and that he hoped to see "significant progress" on a deal before the end of the year. Trump is scheduled to meet later this week with Palestinian Authority President Mahmoud Abbas.

>

> Trump was also hosting a dinner for Latin American leaders. Venezuela, which has been gripped by economic and political turmoil, will be discussed, McMaster said.

>

> The United States is the largest contributor to the U.N. budget, reflecting its position as the world's largest economy. It pays 25 percent of the U.N.'s regular operating budget and over 28 percent of the separate peacekeeping budget - a level of spending that Trump has complained is unfair.

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> "We need the member states to come together to eliminate inefficiency and bloat, and to ensure that no one nation shoulders a disproportionate share of the burden militarily or financially," Trump told the security council ambassadors as they dined at the White House in April. "This is only fair to our taxpayers."

>

> The Trump administration is conducting a review of the U.N.'s 16 far-flung peacekeeping operations, which cost nearly \$8 billion a year. Cutting their costs and making them more effective is a top priority for Haley.

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> Guterres has said he is totally committed to reforming the U.N. and making it more responsive to the needs of the 21st century world. As for the peacekeeping budget, he said last week that his intention is to do everything possible to make the missions "the most effective" as well as "cost-effective."

>

> The Washington Post

> [https://www.washingtonpost.com/politics/us-warns-that-time-is-running-out-for-peaceful-solution-with-north-korea/2017/09/17/101dcdea-9bd6-11e7-8ea1-ed975285475e\\_story.html?utm\\_term=.0bf313a591cc](https://www.washingtonpost.com/politics/us-warns-that-time-is-running-out-for-peaceful-solution-with-north-korea/2017/09/17/101dcdea-9bd6-11e7-8ea1-ed975285475e_story.html?utm_term=.0bf313a591cc)

> U.S. Warns That Time Is Running Out For Peaceful Solution With North Korea

> By David Nakamura and Anne Gearan, 9/17/17

>

> The Trump administration escalated its rhetoric against North Korea on Sunday, warning that time is running out for a peaceful solution between Kim Jong Un's regime and the United States and its allies.

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> Administration officials said the risk from North Korea's nuclear weapons program is rising, and they underscored that President Trump will confront the looming crisis at the U.N. General Assembly this week. Trump, who spoke by phone with South Korean President Moon Jae-in on Saturday, referred to Kim on Twitter as "Rocket Man" and asserted that "long gas lines" are forming in the North because of

recent U.N. sanctions on oil imports.

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> Though Trump's top aides emphasized that the administration is examining all diplomatic measures to rein in Pyongyang, they made clear that military options remain on the table.

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> "If North Korea keeps on with this reckless behavior, if the United States has to defend itself or defend its allies in any way, North Korea will be destroyed," Nikki Haley, the U.S. ambassador to the United Nations, said Sunday on CNN's "State of the Union." "None of us want that. None of us want war. But we also have to look at the fact that you are dealing with someone [in Kim] who is being reckless, irresponsible and is continuing to give threats not only to the United States, but to all of its allies. So something is going to have to be done."

>

> The question remains, however, how realistic the Trump administration's threats are as the North quickly advances its nuclear and ballistic missile capabilities. Trump's latest tweets came two weeks after North Korea tested a nuclear device that experts said measured at 250 kilotons, 17 times the force of the atomic bomb that destroyed Hiroshima in World War II.

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> Trump warned Kim last month that the North would feel the "fire and fury" of the United States if the regime continued its threats and destabilized the Korean Peninsula and East Asia. But Kim promptly responded with new threats and a round of new weapons tests.

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> Trump is scheduled to join Moon and Japanese Prime Minister Shinzo Abe at a working lunch Thursday in New York, on the sidelines of the U.N. meetings, to discuss North Korea, White House aides said. Yet Trump will not have the opportunity to meet with Xi Jinping of China and Vladimir Putin of Russia; both leaders are skipping the annual gathering.

>

> Last week, Haley touted the U.N. sanctions on the North, saying that, if enacted, they would cut off 30 percent of oil imports and curtail 90 percent of Kim's exports, putting a major economic pinch on a government that has long struggled to provide for the nation's estimated 25 million people.

>

> Yet Trump said last week that he and Secretary of State Rex Tillerson are skeptical that the sanctions will have a significant impact on North Korea's nuclear ambitions. Administration officials reaffirmed the United States' long-standing policy that the North must agree to relinquish its nuclear arsenal as a prerequisite for direct diplomatic talks.

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> "He's going to have to give up his nuclear weapons, because the president has said that he is not going to tolerate this regime threatening the United States and our citizens with a nuclear weapon," national security adviser H.R. McMaster said on ABC's "This Week."

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> Trump, McMaster added, has "been very clear about that, that all options are on the table."

>

> At the same time, the administration signaled that it is not pursuing regime change, a position that could help persuade Beijing to play a stronger role in pressuring Kim. China facilitates about 90 percent of North Korea's trade and provides its oil.

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> Yet Tillerson said North Korea does not appear to be interested in denuclearization talks.

>

> "I'm waiting for the regime in North Korea to give us some indication that they're prepared to have constructive, productive talks," he said on CBS's "Face the Nation."

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> "We have tried a couple of times to signal to them that we're ready when they're ready," Tillerson added, "and they responded with more missile launches and a nuclear test. All they need to do to let us know they're ready to talk is to just stop these tests, stop these provocative actions, and let's lower the threat level and the rhetoric."

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> Many U.S. allies in Europe and elsewhere are strongly opposed to any use of force that could further destabilize the Korean Peninsula and East Asia. The two unanimous U.N. Security Council votes for sanctions in recent weeks have marked a new level of alarm from those allies, as well as Moscow and Beijing.

>

> But McMaster said Washington isn't assuming the sanctions will work or buy time.

>

> "We all have our doubts about whether or not that's going to be enough," he said, "and so we have to prepare all options. We have to make sure all options are under development to ensure that this regime cannot threaten the world with a nuclear weapon."

>

> Analysts have said the North has shown rapid improvements in its ballistic missile and nuclear technologies. Recent missile tests have demonstrated the range to potentially strike the continental United States, along with the technical capacity to mount a miniature nuclear device on a missile, analysts said.

>

> That has accelerated the urgency in Washington, at the White House and on Capitol Hill. Asked on CNN whether the Trump administration should continue to deny the North diplomatic talks until it ends its nuclear program, Sen. Dianne Feinstein (D-Calif.), a member of the Senate Intelligence Committee, said no.

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> "I think that North Korea is not going to give up its program with nothing on the table," she said. "I think that what could happen is that we could have reliable verification of a freeze of both the nuclear program and the missile arsenal, and that we could conceivably talk China into supporting that kind of a freeze, because it would carry with it no regime change and no war."

>

> The Washington Post

> [https://www.washingtonpost.com/national/health-science/shrink-at-least-4-national-monuments-and-modify-a-half-dozen-others-zinke-tells-trump/2017/09/17/a0df45cc-9b48-11e7-82e4-f1076f6d6152\\_story.html?utm\\_term=.1b78aa49bdc3](https://www.washingtonpost.com/national/health-science/shrink-at-least-4-national-monuments-and-modify-a-half-dozen-others-zinke-tells-trump/2017/09/17/a0df45cc-9b48-11e7-82e4-f1076f6d6152_story.html?utm_term=.1b78aa49bdc3)

> Shrink At Least 4 National Monuments And Modify A Half-Dozen Others, Zinke Tells Trump

> By Juliet Eilperin, 9/17/17

>

> Interior Secretary Ryan Zinke has recommended that President Trump modify 10 national monuments created by his immediate predecessors, including shrinking the boundaries of at least four western sites, according to a copy of the report obtained by The Washington Post.

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> The memorandum, which the White House has refused to release since Zinke submitted it late last month, does not specify exact reductions for the four protected areas Zinke would have Trump narrow — Utah's Bears Ears and Grand Staircase-Escalante, Nevada's Gold Butte, and Oregon's Cascade-Siskiyou — or the two marine national monuments — the Pacific Remote Islands and Rose Atoll — for which he raised the same prospect. The two Utah sites encompass a total of more than 3.2 million acres, part of the reason they have aroused such intense emotions since their designation.

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> The secretary's set of recommendations also would change the way all 10 targeted monuments are managed. It emphasizes the need to adjust the proclamations to address concerns of local officials or affected industries, saying the administration should permit "traditional uses" now restricted within the monuments' boundaries, such as grazing, logging, coal mining and commercial fishing.

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> If enacted, the changes could test the legal boundaries of what powers a president holds under the 1906 Antiquities Act. Although Congress can alter national monuments easily through legislation, presidents have reduced their boundaries only on rare occasions.

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> A section of the canyons within Utah's Grand Staircase-Escalante National Monument. (Douglas C. Pizac/AP)

> The memorandum, labeled "Final Report Summarizing Findings of the Review of Designations Under



the Antiquities Act,” shows Zinke concluded after a nearly four-month review that both Republican and Democratic presidents went too far in recent decades in limiting commercial activities in protected areas. The act, signed into law by President Theodore Roosevelt, gives the president wide latitude to protect public lands and waters that face an imminent threat.

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> “It appears that certain monuments were designated to prevent economic activity such as grazing, mining and timber production rather than to protect specific objects,” the report reads, adding that while grazing is rarely banned “outright,” subsequent management decisions “can have the indirect result of hindering livestock-grazing uses.”

>

> To correct this overreach, Zinke says, Trump should use his authority under the Antiquities Act to change each of the 10 sites’ proclamations to permit activities that are now restricted. These include “active timber management” in Maine’s Katahdin Woods and Waters; a broader set of activities in New Mexico’s Organ Mountains-Desert Peaks and Rio Grande del Norte; and commercial fishing in the two Pacific Ocean marine monuments, as well as in one off the New England coast, Northeast Canyons and Seamounts.

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> In most of his recommendations, Zinke suggests Trump amend the existing proclamations “to protect objects and prioritize public access; infrastructure upgrades, repair and maintenance; traditional use; tribal cultural use; and hunting and fishing rights.”

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> The White House is reviewing the recommendations and has not reached a final decision on them. At several points, the memo bears the marker “Draft Deliberative — Not for Distribution.”

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> In an email Sunday, White House spokeswoman Kelly Love said she would not discuss in detail a review that is still underway: “The Trump Administration does not comment on leaked documents, especially internal drafts which are still under review by the President and relevant agencies.”

>

> The majority of the monuments listed in the report were established by either President Bill Clinton or President Barack Obama, but the two Pacific Ocean sites were created by President George W. Bush and later expanded by Obama.

>

> “No other administration has gone this far,” Kristen Brengel, vice president of government affairs for the National Parks Conservation Association, said of the Trump White House in an interview. “This law was intended to protect places from development, not promote damaging natural and cultural resources.”

>

> The secretary urges Trump to request congressional authority “to enable tribal co-management of designated cultural resources” in three ancestral sites: Bears Ears, Rio Grande del Norte and Organ Mountains-Desert Peaks.

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> At the same time, he proposes not only shrinking the boundaries of Bears Ears but requesting that Congress make less-restrictive designations within it, “such as national recreation areas or national conservation areas.” The monument, which contains tens of thousands of cultural artifacts, has become the most prominent symbol of the issues surrounding the Antiquities Act.

>

> Yet Zinke also suggests the administration explore the possibility of establishing three new national monuments that would recognize either African American or Native American history. These include Kentucky’s Camp Nelson, an 1863 Union Army outpost where African American regiments trained; the home of murdered civil rights hero Medgar Evers in Jackson, Miss.; and the 130,000-acre Badger-Two Medicine area in Zinke’s home state of Montana, which is considered sacred by the Blackfeet Nation.

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> “This process should include clear criteria for designations and methodology for meeting conservation and protection goals,” he writes of these potential designations, adding that this course should be “fully transparent” to allow for public input.

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> Trump signed an executive order in April directing Zinke to examine any national monument created

since Jan. 1, 1996, and spanning at least 100,000 acres. The secretary ultimately included 27 of them, including Katahdin, which is roughly 87,500 acres.

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> Before submitting Zinke's report to the White House in August, Interior had already announced that six of the monuments under scrutiny would remain unchanged. Zinke's memorandum is silent on the fate of the remaining 11 monuments, including Papahānaumokuākea, which Bush created but Obama expanded to more than 582,578 square miles of land and sea in the northwestern Hawaiian Islands.

>

> Conservative Republicans, including House Natural Resources Committee Chairman Rep. Rob Bishop of Utah, have long been critical of how presidents have used the Antiquities Act. Speaking to reporters last month, Bishop said that the law was not intended "to appoint the president as a dictator" and that federal officials needed to be more respectful of what state lawmakers and local residents thought of protecting areas near their communities.

>

> Ethan Lane, who directs the Public Lands Council at the National Cattlemen's Beef Association, said in an interview that what administration officials are doing is "going back in to look at these designations and ensuring that groups that are significantly impacted are heard. . . . They're going back and fixing what is wrong with a pretty hurried and nontransparent process."

>

> Grand Staircase-Escalante, which Clinton designated in 1996, later led to a land exchange between Utah and the federal government that was ratified by Congress and incorporated a \$14 million buyout of 17 leases held by Andalex Resources Inc. within the monument's boundaries.

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> Zinke's report notes that the site contains "an estimated several billion tons of coal and large oil deposits" and that the limits of motorized vehicle use there "has created conflict with Kane and Garfield Counties' transportation network."

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> In the case of the Pacific Remote Islands, the memo notes that before Bush protected it in 2009 "there were Hawaiian and American Samoan longliners and purse seiners vessels operating."

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> National Geographic explorer in residence Enric Sala, who has conducted scientific surveys in the Pacific Remote Islands Marine National Monument, said in an email that any effort to restart commercial fishing within its boundaries "would not only harm the ecosystem the monument is supposed to protect, but also its ability to help replenish tuna fisheries around it."

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> While concerns about ranching are raised more frequently than any other objection in the report, Zinke also writes that "border security is a concern resulting from the designation" of Organ Mountains-Desert Peaks near New Mexico's border with Mexico. Both the Homeland Security Department and the Pentagon should assess risks associated with the monument, he suggests, given the proximity of nearby military installations.

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> U.S. Customs and Border Protection issued a letter in January 2014, before the site was designated, saying it would not impede security and would "significantly enhance the flexibility" of agents patrolling a five-mile strip along the border that was then an official wilderness study area.

>

> Changing the way these monuments are managed, as well as their size, is likely to spur a range of legal challenges. Both Trump's executive order and the report highlight the importance of protecting sites though "the smallest area compatible with the proper care and management of the objects to be protected."

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> "Throughout the review, the Secretary has seen examples of objects not clearly defined in the proclamation," the report reads. "Examples of such objects are geographic areas, 'viewsheds,' and 'ecosystems.'"

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> And in Katahdin, which is managed by the National Park Service, the secretary proposes amending its proclamation "to promote a healthy forest through active timber management."

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> Lucas St. Clair, whose family's foundation donated the land to the federal government last year to create the monument, said he did not understand why the administration would be seeking changes since the Park Service already has the right to cut trees to maintain the property and protect visitors.

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> "We need to look through the lens of protecting the conservation and recreational values of the monument. I'm not sure if timber management does that," he said.

>

> The Wall Street Journal

> <https://www.wsj.com/articles/solar-power-death-wish-1505513718>

> Solar Power Death Wish

> By The Wall Street Journal Editorial Board, 9/16/17

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> Billions of dollars in taxpayer subsidies haven't made the U.S. solar industry competitive, and now two companies want to make it even less so. Suniva Inc., a bankrupt solar-panel maker, and German-owned SolarWorld Americas have petitioned the U.S. International Trade Commission (ITC) to impose tariffs on foreign-made crystalline silicon photovoltaic cells.

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> Solar cells in the U.S. sell for around 27 cents a watt. The petitioners want to add a new duty of 40 cents a watt. They also want a floor price for imported panels of 78 cents a watt versus the market price of 37 cents. In other words, they want the government to double the cost of the main component used in the U.S. solar industry. Solar electricity prices could rise by some 30% if the ITC says they've been injured by foreign competition—a decision is due by Sept. 22—and the Trump Administration goes along with the tariff request.

>

> U.S. manufacturers won countervailing and antidumping duties against imports from China and Taiwan in 2012 and in 2015. But now they're resorting to Section 201 of the Trade Act of 1974 because they don't need to show they are victims of dumping or foreign government subsidies. They only need to show that imports have harmed them.

>

> The harm is real but that's due to changes in the marketplace. The U.S. solar industry has discovered that its comparative advantage lies not in making panels, a basic product, but in adding value to imported cells and modules. This involves making and installing racking or framing systems and incorporating innovations like trackers that orient toward the sun.

>

> To turn sunshine into energy requires inverters that translate the energy captured on a solar panel into something that can be sent on the electrical grid. While there are fewer than 1,000 jobs in U.S. panel manufacturing, some 260,000 jobs rely on access to imported panels.

>

> Not even the investment firm financing the Suniva legal team for the petition believes in the future of U.S. solar panel manufacturing. SQN Capital Management, which is owed an estimated \$51 million by Suniva, wrote a letter in May to the Chinese chamber of commerce indicating that the 201 case would go away if a Chinese company bought Suniva's \$55 million in manufacturing equipment.

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> Higher prices for panels will also hurt utilities that have invested in renewable fuels. In an August 21 letter to the ITC, Diane Denton of Duke Energy wrote that over the last five years Duke has invested heavily in solar and has plans for more. But Duke needs "access to solar CSPV modules at globally-competitive prices" so it can "provide cost-competitive solar power to our customers," Ms. Denton wrote.

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> The ITC hasn't investigated a 201 trade case since the Bush Administration slapped a 30% tariff on steel imports in 2002. That fiasco cost an estimated 200,000 jobs in U.S. steel-consuming industries before the Administration dropped the tariffs 18 months later.

>

> Solar tariffs would be another destructive exercise that benefits a handful of Suniva and SolarWorld investors at the expense of everyone else—including the rest of the solar industry. This is protectionism at its worst.

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> The Wall Street Journal

> <https://www.wsj.com/articles/california-democrats-target-tesla-1505677365>

> California Democrats Target Tesla

> By The Wall Street Journal Editorial Board, 9/18/17

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> California Democrats have finally found a cause that's worth suspending their environmental passions. The United Automobile Workers are struggling for a presence in Tesla's Fremont plant, and organized labor has called in a political favor.

>

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>

> The legislation, which passed Friday, is a direct shot at Tesla. The Clean Vehicle Rebate Project has amounted to a \$82.5 million subsidy for the company, giving extra incentive to 32,842 Tesla buyers in seven years.

>

> Tesla's sales have been built with taxpayer support. When Hong Kong cut back its electric-vehicle tax credits earlier this year, Tesla sales dropped to zero in April from nearly 3,000 the month earlier. And when Denmark scaled back incentives last year, electric-car sales plummeted by 70%.

>

> The labor secretary in California is hand-picked by unions and their Democratic allies, and last month the UAW and a few auto workers filed a complaint against Tesla with the National Labor Relations Board, alleging unfair labor practices.

>

> But the plant's employees are doubtless aware of the union's abysmal record in Fremont, which stretches back decades. In the early 1980s, the union's control was so complete that General Motors couldn't fire even workers who drank, used drugs and had sex at the Fremont plant. Roughly one in five workers failed to show up on any given day. The plant closed in 1982—no surprise. Auto workers got a second shot with a GM-Toyota joint venture, but that was shuttered in 2010.

>

> A record of closures and corruption contributed to the UAW's defeat last month at a Mississippi Nissan plant, where workers voted nearly two-to-one against the union. Organized labor needs political coercion because it can't win over workers on its own. As for electric cars and green subsidies, what progressive politicians give away with one hand they want to redistribute with another.

> TRUMP TWEETS

>

>

[cid:image001.jpg@01D33061.C5476DB0]<<https://twitter.com/realDonaldTrump/status/909768037787717633>> [cid:image002.jpg@01D33061.C5476DB0]

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>

>

> Michael Abboud

> U.S. Environmental Protection Agency

> Office of Public Affairs

> M: Ex. 6 - Personal Privacy

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> <EPA Morning News Highlights 9.18.17.docx>

**To:** Graham, Amy[graham.amy@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Konkus, John[konkus.john@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Hewitt, James[hewitt.james@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Mon 9/18/2017 1:42:13 PM  
**Subject:** RE: FOR APPROVAL: EPA Morning News Highlights 9.18.17

Include this as well.

Big Oil Becomes Greener With Progress in Cutting Pollution  
Bloomberg  
September 18, 2017  
<https://bloom.bg/2jDfjBF>

-----Original Message-----

From: Graham, Amy  
Sent: Monday, September 18, 2017 9:41 AM  
To: Abboud, Michael <abboud.michael@epa.gov>  
Cc: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Hewitt, James <hewitt.james@epa.gov>  
Subject: Re: FOR APPROVAL: EPA Morning News Highlights 9.18.17

Move the hill article to the top and include the Fox Houston clip that we sent around this weekend below that.

> On Sep 18, 2017, at 9:37 AM, Abboud, Michael <abboud.michael@epa.gov> wrote:

>

> EPA Morning News Highlights 9.18.17

>

> The Washington Examiner: EPA Needs To Stick To Its Knitting

> Barack Obama decided that the 1992 Clean Air Act gave the Environmental Protection Agency the authority to force states to regulate carbon dioxide emissions from power plants. He also expanded the Clean Water Act with a regulation called "Waters of the United States," which aimed to give the EPA regulatory control over land if sometimes it holds standing water. The running theme of the Obama EPA was expanding the agency's reach and multiplying its responsibilities. This campaign was repeatedly halted by courts, but it has threatened to erode liberty and make life more expensive for families, farmers, and companies. But the most tangible consequence of the EPA's mission creep has been the neglect of its core functions.

>

> The Hill: EPA Chief Heads To Texas To See Harvey Cleanup

> Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Houston on Friday to see Hurricane Harvey cleanup efforts and survey work by environmental officials. Pruitt toured the San Jacinto River Waste Pits Superfund site and met with leading federal and state officials involved in environmental oversight of the area's recovery from the historic storm, which dumped more than 40 inches of rain on the area, the agency said.

>

> The Washington Times: White House: No Thaw On Paris Climate Accord Unless Trump Gets Better Deal

> Trump administration officials said Sunday that the president's stance on the Paris climate agreement hasn't changed: He's open to re-engaging as long as he gets a better deal. Secretary of State Rex W. Tillerson said the administration would reconsider its decision to withdraw from the accord "under the right conditions," while National Security Adviser H.R. McMaster said President Trump is willing to look at alternatives that fix the "flawed agreement." "He's out of the Paris climate accord. What he said — the door is open," Mr. McMaster said on "Fox News Sunday." "If you look at what he said on the day that he



announced withdrawing from the accord, he said at some point in the future, if there can be a deal that addresses these fundamental flaws, he's open to it."

>

> Texas Tribune: EPA Approves Expedited Loan Funding For Harvey-Related Water Projects

> The Environmental Protection Agency this week approved a request from Texas officials to expedite funding to help local governments restore water and wastewater systems damaged by Hurricane Harvey. The Texas Water Development Board, which administers an EPA low-interest loan program for the state, asked the federal agency in a Sept. 1 letter for the flexibility to quicken loan distribution procedures. In the letter, the board said loan money could serve as a bridge to meet immediate recovery needs for damaged water systems while local governments wait for other federal aid.

>

> KOSU 91.7: Guarded Hope At Oklahoma's Abandoned Mine As EPA Promises Focus On Contaminated Sites

> Newly minted U.S. Environmental Protection Agency Administrator Scott Pruitt spent his first months on the job steering the agency away from climate change to focus, in part, on cleaning up contaminated sites around the country. The former Oklahoma attorney general has directed a task force to create a top-10 list of locations that need aggressive attention — welcome news at Superfund sites like Tar Creek in the northeastern corner of the state. The spot where Kansas, Missouri and Oklahoma meet was once one of the world's largest sources of lead and zinc. About half of the lead and zinc the military needed in World War I was produced here, in 300 miles of caverns hollowed out underneath towns like Picher, Cardin and Commerce.

>

> The Washington Examiner: Pruitt Deploys EPA's Elite Frogmen In Post-Hurricane Inspections

> The Environmental Protection Agency deployed a team of divers Friday to begin inspecting a flooded toxic waste site in Texas in the aftermath of Hurricane Harvey. "EPA remains committed to providing the necessary resources and personnel to ensure those affected by the devastation of Hurricane Harvey receive proper agency attention," said Administrator Scott Pruitt on Friday after arriving in Houston to tour the Superfund waste sites. Pruitt began his visit by inspecting the San Jacinto River Waste Pits Superfund site. As Pruitt toured the site, "an EPA dive team" began conducting underwater inspections of the site, the agency said.

>

> The New York Times: Using The E.P.A. To Prop Up Big Coal

> The Trump administration is unflinching in its misbegotten campaign to protect the coal industry from what has become an obvious and inevitable decline. Eight months in, the administration has already killed, or is in the process of killing, rules that would prevent the dumping of coal mining wastes in streams, impose a temporary moratorium on new mine leases in the West, and reduce greenhouse gas emissions from coal-fired power plants — one of President Barack Obama's most important efforts to resist climate change. All of this to prop up an industry whose workers would be best served not by false promises of new mining jobs, but by aggressive programs to retrain them for a changing economy. The latest ritualistic bow from Scott Pruitt, the administrator of the Environmental Protection Agency who has presented himself as an industry savior, was to order last week a two-year postponement of the Obama administration's tighter controls on lead, mercury, arsenic and other coal plant wastes that threaten human health. Delaying the rule's effective date to November 2020, Mr. Pruitt said, merely "resets the clock."

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> National Morning News Highlights 9.18.17

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> The Associated Press: Trump's Week Anchored By Speech To UN General Assembly

> President Donald Trump is making his debut at the United Nations and taking his complaints about the world body straight to the source. In his first appearance as president, Trump on Monday was addressing a U.S.-sponsored event on reforming the 193-member organization he has sharply criticized. As a candidate for president, Trump labeled the U.N. as weak and incompetent, and not a friend of either the United States or Israel. But he has softened his tone since taking office, telling ambassadors from U.N. Security Council member countries at a White House meeting this year that the U.N. has "tremendous potential."

>

> The Washington Post: U.S. Warns That Time Is Running Out For Peaceful Solution With North Korea  
> The Trump administration escalated its rhetoric against North Korea on Sunday, warning that time is running out for a peaceful solution between Kim Jong Un's regime and the United States and its allies. Administration officials said the risk from North Korea's nuclear weapons program is rising, and they underscored that President Trump will confront the looming crisis at the U.N. General Assembly this week. Trump, who spoke by phone with South Korean President Moon Jae-in on Saturday, referred to Kim on Twitter as "Rocket Man" and asserted that "long gas lines" are forming in the North because of recent U.N. sanctions on oil imports. Though Trump's top aides emphasized that the administration is examining all diplomatic measures to rein in Pyongyang, they made clear that military options remain on the table.

>

> The Washington Post: Shrink At Least 4 National Monuments And Modify A Half-Dozen Others, Zinke Tells Trump

> Interior Secretary Ryan Zinke has recommended that President Trump modify 10 national monuments created by his immediate predecessors, including shrinking the boundaries of at least four western sites, according to a copy of the report obtained by The Washington Post. The memorandum, which the White House has refused to release since Zinke submitted it late last month, does not specify exact reductions for the four protected areas Zinke would have Trump narrow — Utah's Bears Ears and Grand Staircase-Escalante, Nevada's Gold Butte, and Oregon's Cascade-Siskiyou — or the two marine national monuments — the Pacific Remote Islands and Rose Atoll — for which he raised the same prospect. The two Utah sites encompass a total of more than 3.2 million acres, part of the reason they have aroused such intense emotions since their designation. The secretary's set of recommendations also would change the way all 10 targeted monuments are managed. It emphasizes the need to adjust the proclamations to address concerns of local officials or affected industries, saying the administration should permit "traditional uses" now restricted within the monuments' boundaries, such as grazing, logging, coal mining and commercial fishing.

>

> The Wall Street Journal: Solar Power Death Wish

> Billions of dollars in taxpayer subsidies haven't made the U.S. solar industry competitive, and now two companies want to make it even less so. Suniva Inc., a bankrupt solar-panel maker, and German-owned SolarWorld Americas have petitioned the U.S. International Trade Commission (ITC) to impose tariffs on foreign-made crystalline silicon photovoltaic cells. Solar cells in the U.S. sell for around 27 cents a watt. The petitioners want to add a new duty of 40 cents a watt. They also want a floor price for imported panels of 78 cents a watt versus the market price of 37 cents. In other words, they want the government to double the cost of the main component used in the U.S. solar industry. Solar electricity prices could rise by some 30% if the ITC says they've been injured by foreign competition—a decision is due by Sept. 22—and the Trump Administration goes along with the tariff request. U.S. manufacturers won countervailing and antidumping duties against imports from China and Taiwan in 2012 and in 2015. But now they're resorting to Section 201 of the Trade Act of 1974 because they don't need to show they are victims of dumping or foreign government subsidies. They only need to show that imports have harmed them.

>

> The Wall Street Journal: California Democrats Target Tesla

> California Democrats have finally found a cause that's worth suspending their environmental passions. The United Automobile Workers are struggling for a presence in Tesla's Fremont plant, and organized labor has called in a political favor. Since 2010 California has offered a \$2,500 rebate to encourage consumers to buy electric vehicles. But last week, at unions' behest, Democrats introduced an amendment to cap-and-trade spending legislation that would require participating manufacturers to get a sign-off from the state labor secretary verifying that they are "fair and responsible in their treatment of workers." The legislation, which passed Friday, is a direct shot at Tesla. The Clean Vehicle Rebate Project has amounted to a \$82.5 million subsidy for the company, giving extra incentive to 32,842 Tesla buyers in seven years.

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> TRUMP TWEETS

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> The Washington Examiner



> <http://www.washingtonexaminer.com/epa-needs-to-stick-to-its-knitting/article/2634483>

> EPA Needs To Stick To Its Knitting

> By The Washington Examiner Editorial Board, 9/18/17

>

> Barack Obama decided that the 1992 Clean Air Act gave the Environmental Protection Agency the authority to force states to regulate carbon dioxide emissions from power plants.

>

> He also expanded the Clean Water Act with a regulation called "Waters of the United States," which aimed to give the EPA regulatory control over land if sometimes it holds standing water.

>

> The running theme of the Obama EPA was expanding the agency's reach and multiplying its responsibilities. This campaign was repeatedly halted by courts, but it has threatened to erode liberty and make life more expensive for families, farmers, and companies.

>

> But the most tangible consequence of the EPA's mission creep has been the neglect of its core functions.

>

> Trump's EPA Administrator Scott Pruitt laid out Obama's legacy in a recent interview with the Washington Examiner. "He left us with more Superfund sites than when he came in," Pruitt said, referring to contaminated lands which the EPA is supposed to be remediating. "He had Gold King and Flint, Michigan," Pruitt went on, referring to the massive 2015 spill of mine waste into the Animas and San Juan Rivers. Obama also left "air quality standards 40 percent of the country in nonattainment," Pruitt added.

>

> The problem? Obama's EPA wouldn't stick to its knitting. Pruitt aptly described the EPA's mindset under Obama: "We think we just ought to re-imagine authority because you know what? We don't know if people are going to pass regulations or states are going to do their jobs."

>

> Pruitt promises to return the EPA to its proper mission and to limit its activities to those actually prescribed by Congress. Will Pruitt's EPA address greenhouse gas emissions? Obama justified his Clean Power Plan by asserting the urgency of the issue. But the executive's belief that an issue is important doesn't give the executive branch the power to address an issue.

>

> The EPA has only the power Congress has given it. Repeatedly, Obama tried to get Congress to pass climate legislation. Repeatedly, he failed. This should have been taken as a sign that there is no democratic will for it. But Obama took these failures exactly the wrong way, deciding that if Congress won't act, he would act on his own.

>

> This is like a soldier deciding that if his officers won't give him permission to shoot, he'll just have to give himself the order to fire.

>

> On climate, Pruitt says the relevant question is "what tools are in the toolbox of this agency to deal with CO2?" Neither Pruitt nor Trump are allowed to put tools in there. Only Congress can. "We're not going to simply just make up our authority," Pruitt said.

>

> Doing exactly what you are called to do by the proper authorities is not a very exciting mission. But such is the lot of conservatism. Executive agencies are role-players, and even the president doesn't get to determine their role. The Constitution is very clear that Congress alone has that power.

>

> We applaud Pruitt's mission of restoring the EPA to its proper shape and size. And we hope he has the humility, the diligence, and the skill to pull it off, for the sake of the Constitution, the economy, and the environment.

>

> The Hill

> <http://thehill.com/policy/energy-environment/350925-epa-head-visits-harvey-cleanup-in-texas>

> EPA Chief Heads To Texas To See Harvey Cleanup

> By Tim Cama, 9/15/17

>

> Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Houston on Friday to see Hurricane Harvey cleanup efforts and survey work by environmental officials.

>

> Pruitt toured the San Jacinto River Waste Pits Superfund site and met with leading federal and state officials involved in environmental oversight of the area's recovery from the historic storm, which dumped more than 40 inches of rain on the area, the agency said.

>

> The EPA chief and his staff have faced criticism on a number of fronts since Harvey hit late last month.

>

> Pruitt, a skeptic of the scientific consensus on climate change, told CNN it was "insensitive" to discuss the role of climate change in the storm during recovery efforts.

>

> In addition, the agency was criticized for not immediately inspecting Superfund sites on the ground after Harvey hit and officials rolled back a chemical plant safety rule earlier this year designed to mitigate incidents like a plant explosion near Houston.

>

> "EPA remains committed to providing the necessary resources and personnel to ensure those affected by the devastation of Hurricane Harvey receive proper agency attention," Pruitt said in a statement after his tour and meetings with EPA, Federal Emergency Management Agency and Texas Council on Environmental Quality officials.

>

> "We continue to work closely with our federal, state, and local partners to ensure Superfund are being properly secured, fuel prices remain stabilized, and infrastructure and environmental assessments are thoroughly carried out," he said.

>

> In addition to the San Jacinto River Waste Pits tour, Pruitt did a flyover tour of six other Superfund cleanup sites in the area, the EPA said.

> The Washington Times

> <http://www.washingtontimes.com/news/2017/sep/17/donald-trump-leaving-paris-climate-accord-unless-h/>

> White House: No Thaw On Paris Climate Accord Unless Trump Gets Better Deal

> By Valerie Richardson, 9/17/17

>

> Trump administration officials said Sunday that the president's stance on the Paris climate agreement hasn't changed: He's open to re-engaging as long as he gets a better deal.

>

> Secretary of State Rex W. Tillerson said the administration would reconsider its decision to withdraw from the accord "under the right conditions," while National Security Adviser H.R. McMaster said President Trump is willing to look at alternatives that fix the "flawed agreement."

>

> "He's out of the Paris climate accord. What he said — the door is open," Mr. McMaster said on "Fox News Sunday." "If you look at what he said on the day that he announced withdrawing from the accord, he said at some point in the future, if there can be a deal that addresses these fundamental flaws, he's open to it."

>

> Mr. Trump announced in June he would pull out of the 2015 agreement, which seeks to limit increases in global temperatures, saying it was "less about climate and more about other countries gaining a financial advantage."

>

> At the time Mr. Trump said that he would be willing to renegotiate the agreement or enter into a new accord that placed less of the economic burden on U.S. companies and workers.

>

> The discussion was spurred by a Saturday Wall Street Journal report saying that a White House adviser suggested a compromise to revise the agreement in exchange for U.S. re-engagement at an international meeting in Montreal, which Mr. McMaster disputed as "false."

>

> "What the president has said is that we are withdrawing from the Paris accord. He left the door open to re-entering at some later time if there can be a better deal for the United States," Mr. McMaster said on ABC's "This Week."

>

> The White House insisted that there has been "no change on the U.S.' position on the Paris agreement."

>

> "As the president has made abundantly clear, the United States is withdrawing unless we can re-enter on terms that are more favorable to our country," said White House spokesperson Lindsay Walters.

>

> Environmentalists weren't holding their breath. "The latest fire drill on the Paris agreement proves only one thing: Donald Trump can't be trusted," said Ben Schreiber, Friends of the Earth senior political strategist.

>

> "Even if Trump does decide to stay in the Paris agreement, it will not be a victory for the planet because Trump's actions have made it clear that he has no intention of doing our fair share on climate change," said Mr. Schreiber.

>

> Foes of the pact have argued that it represents a wealth transfer to other countries from the U.S., which already leads the world in reducing carbon dioxide emissions, thanks largely to the switch by many power plants from coal to natural gas.

>

> Mr. Tillerson said the accord gave too much to "the second-largest economy in the world, China," which has seen its carbon emissions climb.

>

> "If you look at those targets in terms of the Paris climate accord, they were just really out of balance for the two largest economies," Mr. Tillerson said on "Face the Nation" on CBS.

>

> He said National Economic Council Director Gary Cohn is steering the administration's position on the Paris accord.

>

> "So I think the plan is for Director Cohn to consider other ways in which we can work with partners in the Paris climate accord," Mr. Tillerson said. "We want to be productive. We want to be helpful. The U.S. actually has a tremendous track record on reducing our own greenhouse gas emissions."

>

> Ratified so far by 160 countries, the agreement sets a goal of keeping global temperature increases at well below 2 degrees Celsius from pre-industrial levels by 2100.

>

> President Obama ratified the agreement in 2016 by executive action, instead of bringing the accord before the Senate, after it was negotiated at the 2015 U.N. Climate Change Conference in Paris.

> Texas Tribune

> <https://www.texastribune.org/2017/09/15/epa-approves-expedited-loan-funding-harvey-related-water-projects/>

> EPA Approves Expedited Loan Funding For Harvey-Related Water Projects

> By Katie Riordan, 9/15/17

>

> The Environmental Protection Agency this week approved a request from Texas officials to expedite funding to help local governments restore water and wastewater systems damaged by Hurricane Harvey.

>

> The Texas Water Development Board, which administers an EPA low-interest loan program for the state, asked the federal agency in a Sept. 1 letter for the flexibility to quicken loan distribution procedures. In the letter, the board said loan money could serve as a bridge to meet immediate recovery needs for damaged water systems while local governments wait for other federal aid.

>

> "We're trying to be another party getting funds to communities when they need them," said Jessica Zuba, the deputy executive administrator of water supply and infrastructure at the TWDB. "In the past,

there's been a feeling that federal funding can take quite a bit of time lag. We wanted to ... use our capacity and funds and bridge some of that time."

>

> Zuba said the board is reaching out to several cities where Harvey's flooding impacted water infrastructure — such as Pearland, south of Houston, and Rose City, outside Beaumont — to talk about recovery funding needs.

> Harvey's flooding had a sweeping impact on water systems across Texas. At least five public drinking systems throughout the state were destroyed by flooding, and 14 systems remain inoperable, according to the Texas Commission on Environmental Quality. At least 31 waste water facilities are inoperable.

>

> The Texas Water Development Board has about half a billion dollars in loan capacity through the Clean Water State Revolving Fund. This fund has historically provided low-interest loans to cities, districts and other water authorities to finance wastewater infrastructure. But its scope was expanded last year to include more stormwater projects, potentially meaning a large portion of it could be distributed for post-Harvey infrastructure proposals.

>

> "There's a need right now for the interim financing to get communities back online and back serving their customers, and there's also: 'How do we prepare for the next disaster?'" Zuba said.

>

> The fund's large loan capacity could be used for long-term stormwater resiliency projects, Zuba said. This could appeal to cities looking to finance the initial phases of large-scale infrastructure projects and then later rely on federal funding from agencies such as FEMA to continue construction.

>

> Since last August, the TWDB has approved three non-Harvey-related stormwater projects, totaling about \$35.5 million. The city of Houston has a \$47 million loan application pending to finance stormwater control infrastructure including extensions for flood reduction along Brays Bayou. The city filed this application before Hurricane Harvey hit, and the board expects to review it in October. The TWDB anticipates more applications from Harris County, which includes Houston, as the county's storm recovery plans solidify.

>

> The TWDB has sought assurance from the EPA that its loan financing would not make water projects ineligible for future federal grants as rebuilding from Harvey continues.

>

> Gov. Greg Abbott also got behind the board's request to get infrastructure funding to communities as quickly as possible. He sent his own letter to EPA chief Scott Pruitt, asking for streamlined loan options.

>

> Zuba said it is hard to speculate how many loans applications the TWDB might receive but that volume is expected to increase and cooperation with the federal government is making the process easier.

>

> "The flexibility that the EPA is willing to work with us is a great achievement," she said.

> KOSU 91.7

> <http://kosu.org/post/guarded-hope-oklahomas-abandoned-mine-epa-promises-focus-contaminated-sites>

> Guarded Hope At Oklahoma's Abandoned Mine As EPA Promises Focus On Contaminated Sites

> By Joe Wertz, 9/15/17

>

> Newly minted U.S. Environmental Protection Agency Administrator Scott Pruitt spent his first months on the job steering the agency away from climate change to focus, in part, on cleaning up contaminated sites around the country.

>

> The former Oklahoma attorney general has directed a task force to create a top-10 list of locations that need aggressive attention — welcome news at Superfund sites like Tar Creek in the northeastern corner of the state.

>

> The spot where Kansas, Missouri and Oklahoma meet was once one of the world's largest sources of lead and zinc. About half of the lead and zinc the military needed in World War I was produced here, in 300 miles of caverns hollowed out underneath towns like Picher, Cardin and Commerce.

>

> In 1983, Tar Creek became one of the first sites added to EPA's Superfund list. The law helps identify sites contaminated by dangerous substances, prevents hazards and makes responsible parties pay for cleanup.

>

> Tar Creek is one of the oldest sites on a list of roughly 1,330 Superfund sites across the country. It's large and has a lot of public health risks. It's the kind of cleanup EPA Administrator Scott Pruitt is signaling is a priority.

>

> "There are many that have been on that National Priority List for decades, languishing for direction, leadership, answers," Pruitt told a U.S. House subcommittee in June.

>

> Mining in the tri-state district peaked in the 1920s and stopped by the '70s. The miners left town; Cave-ins, dangerous dust and caustic water remained. Blood tests showed elevated levels of lead in more than 40 percent of children in some communities.

>

> Most residents took buyouts to leave the former mining towns, which are largely abandoned by anyone not driving a truck tasked with hauling off hills of gravelly waste called chat that fill the horizon like moon-colored dunes.

>

> "We're averaging an almost 3,000 tons a day of of chat to the repository," says Craig Kreman, assistant environmental director for the Quapaw tribe.

>

> The chat piles are just one part of the problem. Much of the ore was buried below the water table. When the companies left and stopped pumping the mines dry, the caverns filled up. Water carrying cadmium, lead and other toxic metals bubbles to the surface into Tar Creek and downstream into a critical watershed.

>

> The EPA didn't respond to interview requests. In the testimony on Capitol Hill, representatives pressed Pruitt on how he could champion the Superfund program while simultaneously supporting a budget plan from President Trump that slashes the program's funding by nearly one-third.

>

> "It's more about decision-making, leadership and management than money, presently," he said. Later, Pruitt told the committee he'd push for more funding if he felt it were needed.

>

> Katherine Probst, an independent consultant who has spent 20 years researching and evaluating EPA's Superfund program, says poor funding has plagued the program for decades.

>

> "They don't have the money to clean up an average Superfund site in most states," she says. "They just don't have \$25 million to clean up a site."

>

> Superfund was initially funded by a trust fed by taxes on crude oil, chemicals and environmental taxes levied on corporations. Those taxes expired in 1995 and were not reauthorized. The money now comes by way of congressional appropriations. Research from Probst and the U.S. Government Accountability Office shows funding for Superfund has declined for nearly two decades — under Republican and Democratic administrations.

>

> Probst says Superfund sites would benefit from clearing bureaucratic red tape, which Pruitt pledges to do. Technical problems are stalling progress at some sites. Others are delayed by foot-dragging by companies deemed responsible for contamination. Other roadblocks are unknown due to poor data about the sites and the health hazards they pose.

>

> Rebecca Jim, the executive director for L.E.A.D. Agency, says the government's attention to Superfund faded alongside the tax money.

>

> "Superfund is broke," she says.



>

> Jim founded the nonprofit in the mid-'90s to organize and amplify local residents' concerns about the Tar Creek contamination and cleanup. The group's headquarters in nearby Miami has become an information hub about the contaminated site and a community center for local youth.

>

> Jim would like Superfund's stream of tax money restored, but acknowledges that's likely a pipe dream.

>

> "You get a good start in trying to do the clean up, but you just do a little at a time — that's all you can do," she says.

>

> In 2012, the EPA signed an agreement for the Quapaw to lead and manage the Tar Creek project — the first tribal-led cleanup of a federal Superfund site. Earlier this year, the agency awarded the tribe \$4.8 million to clean up soil from contaminated tribal lands.

>

> Jim says the tribal management is a positive development for Tar Creek.

>

> "We've got some real hope to start restoring some larger pieces of land, but it costs money," she says.

>

> Top EPA officials recently traveled to northeastern Oklahoma for a tour of the Tar Creek Superfund site. Kreman with the Quapaw says the tribe hopes the agency's visit is a good sign.

>

> "We took them up top a chat pile and they can see, for miles, the effects Tar Creek has had on the environment on the community," he says.

>

> Kreman says Tar Creek still needs tens of millions in federal money to support a cleanup that will likely continue for decades. If Superfund's budget is slashed, Tar Creek will compete with others for a smaller slice of funding.

>

> When the top-10 list comes out, Kreman and Jim hope Tar Creek is on it and that the contamination in their community once again is recognized as one of the country's most polluted places.

>

> "Every single acre is a celebration. Every bit of water that's cleaned up before it enters Tar Creek, that's a celebration," Jim says. "I'm just waiting for the big one. The big joy when it's done."

> The Washington Examiner

> <http://www.washingtonexaminer.com/pruitt-deploys-epas-elite-frogmen-in-post-hurricane-inspections/article/2634623>

> Pruitt Deploys EPA's Elite Frogmen In Post-Hurricane Inspections

> By John Siciliano, 9/15/17

>

> The Environmental Protection Agency deployed a team of divers Friday to begin inspecting a flooded toxic waste site in Texas in the aftermath of Hurricane Harvey.

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> "EPA remains committed to providing the necessary resources and personnel to ensure those affected by the devastation of Hurricane Harvey receive proper agency attention," said Administrator Scott Pruitt on Friday after arriving in Houston to tour the Superfund waste sites.

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> Pruitt began his visit by inspecting the San Jacinto River Waste Pits Superfund site. As Pruitt toured the site, "an EPA dive team" began conducting underwater inspections of the site, the agency said.

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> "EPA will continue to keep the public informed as assessments of the site continue and site determinations are made by the dive team," the agency added.

>

> EPA has a robust team of divers that dates to its creation in the 1970s. "Our first dive units were established in Seattle and Gulf Breeze, Florida, to support EPA's monitoring, research and emergency response efforts," the agency's website said. "In 2016, we conducted 946 dives involving 65 divers in nine diving units across the country."

>

> EPA's team of environmental divers have some hazardous jobs that include sampling submerged drums of "unknown materials," mapping illegal underwater dump sites, and inspecting waste discharges from seafood processing facilities, to name a few, according to the agency. The divers also can be found assessing the health of seagrass meadows, coral reefs, and other important marine habitats.

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> Pruitt later left the divers to take to the skies with the Coast Guard for an aerial inspection of other waste cleanup sites.

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> The New York Times

> <https://www.nytimes.com/2017/09/18/opinion/using-the-epa-to-prop-up-big-coal.html>

> Using The E.P.A. To Prop Up Big Coal

> The New York Times Editorial Board, 9/18/17

>

> The Trump administration is unflinching in its misbegotten campaign to protect the coal industry from what has become an obvious and inevitable decline. Eight months in, the administration has already killed, or is in the process of killing, rules that would prevent the dumping of coal mining wastes in streams, impose a temporary moratorium on new mine leases in the West, and reduce greenhouse gas emissions from coal-fired power plants — one of President Barack Obama's most important efforts to resist climate change. All of this to prop up an industry whose workers would be best served not by false promises of new mining jobs, but by aggressive programs to retrain them for a changing economy.

>

> The latest ritualistic bow from Scott Pruitt, the administrator of the Environmental Protection Agency who has presented himself as an industry savior, was to order last week a two-year postponement of the Obama administration's tighter controls on lead, mercury, arsenic and other coal plant wastes that threaten human health. Delaying the rule's effective date to November 2020, Mr. Pruitt said, merely "resets the clock."

>

> What it does, rather, is to try to twist the clock back to the day when coal was essentially a monopoly fuel, a day that practical-minded utility executives know is long gone. In fact, these executives are busily shutting down coal-fired plants in favor of more affordable energy sources like natural gas and wind and solar power.

>

> "We're not going to build any more coal plants; that's not going to happen," Chris Beam, head of Appalachian Power, West Virginia's largest utility, bluntly told the state last April, despite President Trump's phantasmagorical campaign promise to resurrect lost jobs for coal miners. No less candid, Lynn Good, the head of Duke Energy, America's largest utility, defended the closing of 12 coal plants across five years, with more to come, in order to cut the company's coal-fired energy output by a third: "Our strategy will continue to be to drive carbon out of our business."

>

> In February, one of the nation's biggest coal-fired plants, the Navajo Generating Station in Arizona, set plans to shut down by the end of 2019 — more than two decades earlier than expected — in order to turn to alternatives, cut consumer prices and shed the notoriety of being the third-worst carbon polluter in the nation, according to the ratings of the (pre-Trump) E.P.A.

>

> While environmental rules have played some role in the closing of coal-fired plants, the main driver is cheaper and abundant natural gas. Coal's use in power generation has been declining since 2007, and by 2016 coal-fired plants produced only 30 percent of the nation's total generation, compared with 50 percent in 2003.

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> The trend will continue; an estimated 46-plus coal-fired units will close at 25 electricity plants in 16 states over the next five years, according to the Institute for Energy Economics and Financial Analysis. In its outlook for 2017, the institute skewered Mr. Trump's campaign vows, saying, "Promises to create more coal jobs will not be kept — indeed the industry will continue to cut payrolls."

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> About 60,000 coal industry jobs have been lost since 2011, and three of the four major mining

companies have gone bankrupt, according to a new study by Columbia University's Center on Global Energy Policy. Even so, Mr. Trump remains obstinate in his "war on coal" statements and steadfast to his bloated campaign promises to laid-off miners, despite expert opinion, expressed in the study, that lifting vital environmental controls "will not materially improve" the coal industry's prospects.

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> It is shocking that an administration led and staffed by supposedly shrewd business executives deliberately overlooks the blossoming of profitable and cleaner energy products simply because of Mr. Trump's hollow showmanship before his campaign base.

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> Until now, the E.P.A. and the environmental safeguards Congress has ordered it to enforce have been crucial to the development of new technologies. To have Mr. Pruitt sully that history with false promises to a fading industry is irresponsible.

> The Associated Press

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[http://hosted.ap.org/dynamic/stories/U/US\\_TRUMP?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2017-09-17-09-16-50](http://hosted.ap.org/dynamic/stories/U/US_TRUMP?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2017-09-17-09-16-50)

> Trump's Week Anchored By Speech To UN General Assembly

> By Darlene Superville, 9/18/17

>

> President Donald Trump is making his debut at the United Nations and taking his complaints about the world body straight to the source.

>

> In his first appearance as president, Trump on Monday was addressing a U.S.-sponsored event on reforming the 193-member organization he has sharply criticized.

>

> As a candidate for president, Trump labeled the U.N. as weak and incompetent, and not a friend of either the United States or Israel. But he has softened his tone since taking office, telling ambassadors from U.N. Security Council member countries at a White House meeting this year that the U.N. has "tremendous potential."

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> Trump more recently has praised a pair of unanimous council votes to tighten sanctions on North Korea over its continued nuclear weapon and ballistic missile tests.

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> Trump's big moment comes Tuesday, when he delivers his first address to a session of the U.N. General Assembly. The annual gathering of world leaders will open amid serious concerns about Trump's priorities, including his policy of "America First," his support for the U.N. and a series of global crises. It will be the first time world leaders will be in the same room and able to take the measure of Trump.

>

> The president and U.N. Secretary-General Antonio Guterres will speak at Monday's reform meeting. The U.S. has asked member nations to sign a declaration on U.N. reforms, and more than 100 have done so. Trump wants the U.N. to cut spending and make other operational changes.

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> Nikki Haley, the U.S. ambassador to the U.N., said Trump's criticisms were accurate at the time, but that it is now a "new day" at the U.N. An organization that "talked a lot but didn't have a lot of action" has given way to a "United Nations that's action-oriented," she said, noting the Security Council votes on North Korea this month.

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> Guterres has proposed a massive package of changes, and Haley said the U.N. is "totally moving toward reform."

>

> "We said that we needed to get value for our dollar and what we're finding is the international community is right there with us in support of reform. So it is a new day at the U.N.," she said Sunday on CNN's "State of the Union." She said Trump's pleas had been heard and "what we'll do is see him respond to that."

>

> Trump also planned to hold separate talks Monday with Israeli Prime Minister Benjamin Netanyahu and



French President Emmanuel Macron. U.S. national security adviser H.R. McMaster said the conversations would be wide-ranging, but that "Iran's destabilizing behavior" would be a major focus of Trump's discussions with both leaders.

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> Breakthroughs on a Middle East peace agreement are not expected. Jared Kushner, Trump's son-in-law and senior adviser on the issue, recently returned from a trip to the Middle East.

>

> Trump told Jewish leaders on a conference call last week that his team is working very hard to achieve a peace agreement between the Israelis and Palestinians and that he hoped to see "significant progress" on a deal before the end of the year. Trump is scheduled to meet later this week with Palestinian Authority President Mahmoud Abbas.

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> Trump was also hosting a dinner for Latin American leaders. Venezuela, which has been gripped by economic and political turmoil, will be discussed, McMaster said.

>

> The United States is the largest contributor to the U.N. budget, reflecting its position as the world's largest economy. It pays 25 percent of the U.N.'s regular operating budget and over 28 percent of the separate peacekeeping budget - a level of spending that Trump has complained is unfair.

>

> "We need the member states to come together to eliminate inefficiency and bloat, and to ensure that no one nation shoulders a disproportionate share of the burden militarily or financially," Trump told the security council ambassadors as they dined at the White House in April. "This is only fair to our taxpayers."

>

> The Trump administration is conducting a review of the U.N.'s 16 far-flung peacekeeping operations, which cost nearly \$8 billion a year. Cutting their costs and making them more effective is a top priority for Haley.

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> Guterres has said he is totally committed to reforming the U.N. and making it more responsive to the needs of the 21st century world. As for the peacekeeping budget, he said last week that his intention is to do everything possible to make the missions "the most effective" as well as "cost-effective."

>

> The Washington Post

> [https://www.washingtonpost.com/politics/us-warns-that-time-is-running-out-for-peaceful-solution-with-north-korea/2017/09/17/101dcdea-9bd6-11e7-8ea1-ed975285475e\\_story.html?utm\\_term=.0bf313a591cc](https://www.washingtonpost.com/politics/us-warns-that-time-is-running-out-for-peaceful-solution-with-north-korea/2017/09/17/101dcdea-9bd6-11e7-8ea1-ed975285475e_story.html?utm_term=.0bf313a591cc)

> U.S. Warns That Time Is Running Out For Peaceful Solution With North Korea

> By David Nakamura and Anne Gearan, 9/17/17

>

> The Trump administration escalated its rhetoric against North Korea on Sunday, warning that time is running out for a peaceful solution between Kim Jong Un's regime and the United States and its allies.

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> Administration officials said the risk from North Korea's nuclear weapons program is rising, and they underscored that President Trump will confront the looming crisis at the U.N. General Assembly this week. Trump, who spoke by phone with South Korean President Moon Jae-in on Saturday, referred to Kim on Twitter as "Rocket Man" and asserted that "long gas lines" are forming in the North because of recent U.N. sanctions on oil imports.

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> Though Trump's top aides emphasized that the administration is examining all diplomatic measures to rein in Pyongyang, they made clear that military options remain on the table.

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> "If North Korea keeps on with this reckless behavior, if the United States has to defend itself or defend its allies in any way, North Korea will be destroyed," Nikki Haley, the U.S. ambassador to the United Nations, said Sunday on CNN's "State of the Union." "None of us want that. None of us want war. But we also have to look at the fact that you are dealing with someone [in Kim] who is being reckless, irresponsible and is continuing to give threats not only to the United States, but to all of its allies. So something is going to have to be done."

>

> The question remains, however, how realistic the Trump administration's threats are as the North quickly advances its nuclear and ballistic missile capabilities. Trump's latest tweets came two weeks after North Korea tested a nuclear device that experts said measured at 250 kilotons, 17 times the force of the atomic bomb that destroyed Hiroshima in World War II.

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> Trump warned Kim last month that the North would feel the "fire and fury" of the United States if the regime continued its threats and destabilized the Korean Peninsula and East Asia. But Kim promptly responded with new threats and a round of new weapons tests.

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> Trump is scheduled to join Moon and Japanese Prime Minister Shinzo Abe at a working lunch Thursday in New York, on the sidelines of the U.N. meetings, to discuss North Korea, White House aides said. Yet Trump will not have the opportunity to meet with Xi Jinping of China and Vladimir Putin of Russia; both leaders are skipping the annual gathering.

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> Last week, Haley touted the U.N. sanctions on the North, saying that, if enacted, they would cut off 30 percent of oil imports and curtail 90 percent of Kim's exports, putting a major economic pinch on a government that has long struggled to provide for the nation's estimated 25 million people.

>

> Yet Trump said last week that he and Secretary of State Rex Tillerson are skeptical that the sanctions will have a significant impact on North Korea's nuclear ambitions. Administration officials reaffirmed the United States' long-standing policy that the North must agree to relinquish its nuclear arsenal as a prerequisite for direct diplomatic talks.

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> "He's going to have to give up his nuclear weapons, because the president has said that he is not going to tolerate this regime threatening the United States and our citizens with a nuclear weapon," national security adviser H.R. McMaster said on ABC's "This Week."

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> Trump, McMaster added, has "been very clear about that, that all options are on the table."

>

> At the same time, the administration signaled that it is not pursuing regime change, a position that could help persuade Beijing to play a stronger role in pressuring Kim. China facilitates about 90 percent of North Korea's trade and provides its oil.

>

> Yet Tillerson said North Korea does not appear to be interested in denuclearization talks.

>

> "I'm waiting for the regime in North Korea to give us some indication that they're prepared to have constructive, productive talks," he said on CBS's "Face the Nation."

>

> "We have tried a couple of times to signal to them that we're ready when they're ready," Tillerson added, "and they responded with more missile launches and a nuclear test. All they need to do to let us know they're ready to talk is to just stop these tests, stop these provocative actions, and let's lower the threat level and the rhetoric."

>

> Many U.S. allies in Europe and elsewhere are strongly opposed to any use of force that could further destabilize the Korean Peninsula and East Asia. The two unanimous U.N. Security Council votes for sanctions in recent weeks have marked a new level of alarm from those allies, as well as Moscow and Beijing.

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> But McMaster said Washington isn't assuming the sanctions will work or buy time.

>

> "We all have our doubts about whether or not that's going to be enough," he said, "and so we have to prepare all options. We have to make sure all options are under development to ensure that this regime cannot threaten the world with a nuclear weapon."

>

> Analysts have said the North has shown rapid improvements in its ballistic missile and nuclear technologies. Recent missile tests have demonstrated the range to potentially strike the continental United States, along with the technical capacity to mount a miniature nuclear device on a missile, analysts said.

>

> That has accelerated the urgency in Washington, at the White House and on Capitol Hill. Asked on CNN whether the Trump administration should continue to deny the North diplomatic talks until it ends its nuclear program, Sen. Dianne Feinstein (D-Calif.), a member of the Senate Intelligence Committee, said no.

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> “I think that North Korea is not going to give up its program with nothing on the table,” she said. “I think that what could happen is that we could have reliable verification of a freeze of both the nuclear program and the missile arsenal, and that we could conceivably talk China into supporting that kind of a freeze, because it would carry with it no regime change and no war.”

>

> The Washington Post

> [https://www.washingtonpost.com/national/health-science/shrink-at-least-4-national-monuments-and-modify-a-half-dozen-others-zinke-tells-trump/2017/09/17/a0df45cc-9b48-11e7-82e4-f1076f6d6152\\_story.html?utm\\_term=.1b78aa49bdc3](https://www.washingtonpost.com/national/health-science/shrink-at-least-4-national-monuments-and-modify-a-half-dozen-others-zinke-tells-trump/2017/09/17/a0df45cc-9b48-11e7-82e4-f1076f6d6152_story.html?utm_term=.1b78aa49bdc3)

> Shrink At Least 4 National Monuments And Modify A Half-Dozen Others, Zinke Tells Trump

> By Juliet Eilperin, 9/17/17

>

> Interior Secretary Ryan Zinke has recommended that President Trump modify 10 national monuments created by his immediate predecessors, including shrinking the boundaries of at least four western sites, according to a copy of the report obtained by The Washington Post.

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> The memorandum, which the White House has refused to release since Zinke submitted it late last month, does not specify exact reductions for the four protected areas Zinke would have Trump narrow — Utah’s Bears Ears and Grand Staircase-Escalante, Nevada’s Gold Butte, and Oregon’s Cascade-Siskiyou — or the two marine national monuments — the Pacific Remote Islands and Rose Atoll — for which he raised the same prospect. The two Utah sites encompass a total of more than 3.2 million acres, part of the reason they have aroused such intense emotions since their designation.

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> The secretary’s set of recommendations also would change the way all 10 targeted monuments are managed. It emphasizes the need to adjust the proclamations to address concerns of local officials or affected industries, saying the administration should permit “traditional uses” now restricted within the monuments’ boundaries, such as grazing, logging, coal mining and commercial fishing.

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> If enacted, the changes could test the legal boundaries of what powers a president holds under the 1906 Antiquities Act. Although Congress can alter national monuments easily through legislation, presidents have reduced their boundaries only on rare occasions.

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> A section of the canyons within Utah’s Grand Staircase-Escalante National Monument. (Douglas C. Pizac/AP)

> The memorandum, labeled “Final Report Summarizing Findings of the Review of Designations Under the Antiquities Act,” shows Zinke concluded after a nearly four-month review that both Republican and Democratic presidents went too far in recent decades in limiting commercial activities in protected areas. The act, signed into law by President Theodore Roosevelt, gives the president wide latitude to protect public lands and waters that face an imminent threat.

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> “It appears that certain monuments were designated to prevent economic activity such as grazing, mining and timber production rather than to protect specific objects,” the report reads, adding that while grazing is rarely banned “outright,” subsequent management decisions “can have the indirect result of hindering livestock-grazing uses.”

>

> To correct this overreach, Zinke says, Trump should use his authority under the Antiquities Act to

change each of the 10 sites' proclamations to permit activities that are now restricted. These include "active timber management" in Maine's Katahdin Woods and Waters; a broader set of activities in New Mexico's Organ Mountains-Desert Peaks and Rio Grande del Norte; and commercial fishing in the two Pacific Ocean marine monuments, as well as in one off the New England coast, Northeast Canyons and Seamounts.

>

> In most of his recommendations, Zinke suggests Trump amend the existing proclamations "to protect objects and prioritize public access; infrastructure upgrades, repair and maintenance; traditional use; tribal cultural use; and hunting and fishing rights."

>

> The White House is reviewing the recommendations and has not reached a final decision on them. At several points, the memo bears the marker "Draft Deliberative — Not for Distribution."

>

> In an email Sunday, White House spokeswoman Kelly Love said she would not discuss in detail a review that is still underway: "The Trump Administration does not comment on leaked documents, especially internal drafts which are still under review by the President and relevant agencies."

>

> The majority of the monuments listed in the report were established by either President Bill Clinton or President Barack Obama, but the two Pacific Ocean sites were created by President George W. Bush and later expanded by Obama.

>

> "No other administration has gone this far," Kristen Brengel, vice president of government affairs for the National Parks Conservation Association, said of the Trump White House in an interview. "This law was intended to protect places from development, not promote damaging natural and cultural resources."

>

> The secretary urges Trump to request congressional authority "to enable tribal co-management of designated cultural resources" in three ancestral sites: Bears Ears, Rio Grande del Norte and Organ Mountains-Desert Peaks.

>

> At the same time, he proposes not only shrinking the boundaries of Bears Ears but requesting that Congress make less-restrictive designations within it, "such as national recreation areas or national conservation areas." The monument, which contains tens of thousands of cultural artifacts, has become the most prominent symbol of the issues surrounding the Antiquities Act.

>

> Yet Zinke also suggests the administration explore the possibility of establishing three new national monuments that would recognize either African American or Native American history. These include Kentucky's Camp Nelson, an 1863 Union Army outpost where African American regiments trained; the home of murdered civil rights hero Medgar Evers in Jackson, Miss.; and the 130,000-acre Badger-Two Medicine area in Zinke's home state of Montana, which is considered sacred by the Blackfeet Nation.

>

> "This process should include clear criteria for designations and methodology for meeting conservation and protection goals," he writes of these potential designations, adding that this course should be "fully transparent" to allow for public input.

>

> Trump signed an executive order in April directing Zinke to examine any national monument created since Jan. 1, 1996, and spanning at least 100,000 acres. The secretary ultimately included 27 of them, including Katahdin, which is roughly 87,500 acres.

>

> Before submitting Zinke's report to the White House in August, Interior had already announced that six of the monuments under scrutiny would remain unchanged. Zinke's memorandum is silent on the fate of the remaining 11 monuments, including Papahānaumokuākea, which Bush created but Obama expanded to more than 582,578 square miles of land and sea in the northwestern Hawaiian Islands.

>

> Conservative Republicans, including House Natural Resources Committee Chairman Rep. Rob Bishop of Utah, have long been critical of how presidents have used the Antiquities Act. Speaking to reporters last month, Bishop said that the law was not intended "to appoint the president as a dictator" and that

federal officials needed to be more respectful of what state lawmakers and local residents thought of protecting areas near their communities.

>

> Ethan Lane, who directs the Public Lands Council at the National Cattlemen's Beef Association, said in an interview that what administration officials are doing is "going back in to look at these designations and ensuring that groups that are significantly impacted are heard. . . . They're going back and fixing what is wrong with a pretty hurried and nontransparent process."

>

> Grand Staircase-Escalante, which Clinton designated in 1996, later led to a land exchange between Utah and the federal government that was ratified by Congress and incorporated a \$14 million buyout of 17 leases held by Andalex Resources Inc. within the monument's boundaries.

>

> Zinke's report notes that the site contains "an estimated several billion tons of coal and large oil deposits" and that the limits of motorized vehicle use there "has created conflict with Kane and Garfield Counties' transportation network."

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> In the case of the Pacific Remote Islands, the memo notes that before Bush protected it in 2009 "there were Hawaiian and American Samoan longliners and purse seiners vessels operating."

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> National Geographic explorer in residence Enric Sala, who has conducted scientific surveys in the Pacific Remote Islands Marine National Monument, said in an email that any effort to restart commercial fishing within its boundaries "would not only harm the ecosystem the monument is supposed to protect, but also its ability to help replenish tuna fisheries around it."

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> While concerns about ranching are raised more frequently than any other objection in the report, Zinke also writes that "border security is a concern resulting from the designation" of Organ Mountains-Desert Peaks near New Mexico's border with Mexico. Both the Homeland Security Department and the Pentagon should assess risks associated with the monument, he suggests, given the proximity of nearby military installations.

>

> U.S. Customs and Border Protection issued a letter in January 2014, before the site was designated, saying it would not impede security and would "significantly enhance the flexibility" of agents patrolling a five-mile strip along the border that was then an official wilderness study area.

>

> Changing the way these monuments are managed, as well as their size, is likely to spur a range of legal challenges. Both Trump's executive order and the report highlight the importance of protecting sites though "the smallest area compatible with the proper care and management of the objects to be protected."

>

> "Throughout the review, the Secretary has seen examples of objects not clearly defined in the proclamation," the report reads. "Examples of such objects are geographic areas, 'viewsheds,' and 'ecosystems.'"

>

> And in Katahdin, which is managed by the National Park Service, the secretary proposes amending its proclamation "to promote a healthy forest through active timber management."

>

> Lucas St. Clair, whose family's foundation donated the land to the federal government last year to create the monument, said he did not understand why the administration would be seeking changes since the Park Service already has the right to cut trees to maintain the property and protect visitors.

>

> "We need to look through the lens of protecting the conservation and recreational values of the monument. I'm not sure if timber management does that," he said.

>

> The Wall Street Journal

> <https://www.wsj.com/articles/solar-power-death-wish-1505513718>



> Solar Power Death Wish  
 > By The Wall Street Journal Editorial Board, 9/16/17  
 >  
 > Billions of dollars in taxpayer subsidies haven't made the U.S. solar industry competitive, and now two companies want to make it even less so. Suniva Inc., a bankrupt solar-panel maker, and German-owned SolarWorld Americas have petitioned the U.S. International Trade Commission (ITC) to impose tariffs on foreign-made crystalline silicon photovoltaic cells.  
 >  
 > Solar cells in the U.S. sell for around 27 cents a watt. The petitioners want to add a new duty of 40 cents a watt. They also want a floor price for imported panels of 78 cents a watt versus the market price of 37 cents. In other words, they want the government to double the cost of the main component used in the U.S. solar industry. Solar electricity prices could rise by some 30% if the ITC says they've been injured by foreign competition—a decision is due by Sept. 22—and the Trump Administration goes along with the tariff request.  
 >  
 > U.S. manufacturers won countervailing and antidumping duties against imports from China and Taiwan in 2012 and in 2015. But now they're resorting to Section 201 of the Trade Act of 1974 because they don't need to show they are victims of dumping or foreign government subsidies. They only need to show that imports have harmed them.  
 >  
 > The harm is real but that's due to changes in the marketplace. The U.S. solar industry has discovered that its comparative advantage lies not in making panels, a basic product, but in adding value to imported cells and modules. This involves making and installing racking or framing systems and incorporating innovations like trackers that orient toward the sun.  
 >  
 > To turn sunshine into energy requires inverters that translate the energy captured on a solar panel into something that can be sent on the electrical grid. While there are fewer than 1,000 jobs in U.S. panel manufacturing, some 260,000 jobs rely on access to imported panels.  
 >  
 > Not even the investment firm financing the Suniva legal team for the petition believes in the future of U.S. solar panel manufacturing. SQN Capital Management, which is owed an estimated \$51 million by Suniva, wrote a letter in May to the Chinese chamber of commerce indicating that the 201 case would go away if a Chinese company bought Suniva's \$55 million in manufacturing equipment.  
 >  
 > Higher prices for panels will also hurt utilities that have invested in renewable fuels. In an August 21 letter to the ITC, Diane Denton of Duke Energy wrote that over the last five years Duke has invested heavily in solar and has plans for more. But Duke needs "access to solar CSPV modules at globally-competitive prices" so it can "provide cost-competitive solar power to our customers," Ms. Denton wrote.  
 >  
 > The ITC hasn't investigated a 201 trade case since the Bush Administration slapped a 30% tariff on steel imports in 2002. That fiasco cost an estimated 200,000 jobs in U.S. steel-consuming industries before the Administration dropped the tariffs 18 months later.  
 >  
 > Solar tariffs would be another destructive exercise that benefits a handful of Suniva and SolarWorld investors at the expense of everyone else—including the rest of the solar industry. This is protectionism at its worst.  
 >  
 > The Wall Street Journal  
 > <https://www.wsj.com/articles/california-democrats-target-tesla-1505677365>  
 > California Democrats Target Tesla  
 > By The Wall Street Journal Editorial Board, 9/18/17  
 >  
 > California Democrats have finally found a cause that's worth suspending their environmental passions. The United Automobile Workers are struggling for a presence in Tesla's Fremont plant, and organized labor has called in a political favor.  
 >

> Since 2010 California has offered a \$2,500 rebate to encourage consumers to buy electric vehicles. But last week, at unions' behest, Democrats introduced an amendment to cap-and-trade spending legislation that would require participating manufacturers to get a sign-off from the state labor secretary verifying that they are "fair and responsible in their treatment of workers."

>

> The legislation, which passed Friday, is a direct shot at Tesla. The Clean Vehicle Rebate Project has amounted to a \$82.5 million subsidy for the company, giving extra incentive to 32,842 Tesla buyers in seven years.

>

> Tesla's sales have been built with taxpayer support. When Hong Kong cut back its electric-vehicle tax credits earlier this year, Tesla sales dropped to zero in April from nearly 3,000 the month earlier. And when Denmark scaled back incentives last year, electric-car sales plummeted by 70%.

>

> The labor secretary in California is hand-picked by unions and their Democratic allies, and last month the UAW and a few auto workers filed a complaint against Tesla with the National Labor Relations Board, alleging unfair labor practices.

>

> But the plant's employees are doubtless aware of the union's abysmal record in Fremont, which stretches back decades. In the early 1980s, the union's control was so complete that General Motors couldn't fire even workers who drank, used drugs and had sex at the Fremont plant. Roughly one in five workers failed to show up on any given day. The plant closed in 1982—no surprise. Auto workers got a second shot with a GM-Toyota joint venture, but that was shuttered in 2010.

>

> A record of closures and corruption contributed to the UAW's defeat last month at a Mississippi Nissan plant, where workers voted nearly two-to-one against the union. Organized labor needs political coercion because it can't win over workers on its own. As for electric cars and green subsidies, what progressive politicians give away with one hand they want to redistribute with another.

> TRUMP TWEETS

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[cid:image001.jpg@01D33061.C5476DB0]<https://twitter.com/realDonaldTrump/status/909768037787717633> [cid:image002.jpg@01D33061.C5476DB0]

<https://twitter.com/realDonaldTrump/status/909767654432526336>

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>

> Michael Abboud

> U.S. Environmental Protection Agency

> Office of Public Affairs

> M: Ex. 6 - Personal Privacy

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> <EPA Morning News Highlights 9.18.17.docx>

**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Abboud, Michael  
**Sent:** Mon 1/29/2018 8:11:14 PM  
**Subject:** RE: FOX23 Request: Tar Creek

I did.

**From:** Bowman, Liz  
**Sent:** Monday, January 29, 2018 3:06 PM  
**To:** Abboud, Michael <abboud.michael@epa.gov>  
**Subject:** RE: FOX23 Request: Tar Creek

Good, thank you for managing. Can you reply to the reporter and let him know you will get back to him (if you haven't already).

**From:** Abboud, Michael  
**Sent:** Monday, January 29, 2018 3:05 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Hewitt, James <hewitt.james@epa.gov>  
**Subject:** Re: FOX23 Request: Tar Creek

Waiting to hear back from him now.

Sent from my iPhone

On Jan 29, 2018, at 3:04 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Thanks, did you talk with David Grey?

**From:** Abboud, Michael  
**Sent:** Monday, January 29, 2018 2:46 PM  
**To:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Hewitt, James



<[hewitt.james@epa.gov](mailto:hewitt.james@epa.gov)>

**Subject:** RE: FOX23 Request: Tar Creek

I'll handle.

**From:** Ferguson, Lincoln

**Sent:** Monday, January 29, 2018 2:42 PM

**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Abboud, Michael <[abboud.michael@epa.gov](mailto:abboud.michael@epa.gov)>; Block, Molly <[block.molly@epa.gov](mailto:block.molly@epa.gov)>; Daniell, Kelsi <[daniell.kelsi@epa.gov](mailto:daniell.kelsi@epa.gov)>; Hewitt, James <[hewitt.james@epa.gov](mailto:hewitt.james@epa.gov)>

**Subject:** FW: FOX23 Request: Tar Creek

**From:** Andes, Natalie (CMG-TulsaTV) [<mailto:> **Ex. 6 - Personal Privacy**]

**Sent:** Monday, January 29, 2018 2:40 PM

**To:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>

**Subject:** FOX23 Request: Tar Creek

Hi Lincoln.

I ran across a Tulsa World report that says that the EPA is asking people in Picher about the Tar Creek Superfund site. Can you tell me if that's true? If so, what is being asked of the residents in the survey? When are the results due? What's the project this is related to? What is the goal of the survey?

Thank you,

Natalie

**Natalie Andes | FOX23 Assignment Manager**

**Ex. 6 - Personal Privacy**

<image001.jpg>

This email (including any attachments) may contain material that is confidential and for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

**To:** Abboud, Michael[abboud.michael@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Konkus, John[konkus.john@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Hewitt, James[hewitt.james@epa.gov]  
**From:** Graham, Amy  
**Sent:** Mon 9/18/2017 1:40:46 PM  
**Subject:** Re: FOR APPROVAL: EPA Morning News Highlights 9.18.17

Move the hill article to the top and include the Fox Houston clip that we sent around this weekend below that.

> On Sep 18, 2017, at 9:37 AM, Abboud, Michael <abboud.michael@epa.gov> wrote:

>

> EPA Morning News Highlights 9.18.17

>

> The Washington Examiner: EPA Needs To Stick To Its Knitting

> Barack Obama decided that the 1992 Clean Air Act gave the Environmental Protection Agency the authority to force states to regulate carbon dioxide emissions from power plants. He also expanded the Clean Water Act with a regulation called "Waters of the United States," which aimed to give the EPA regulatory control over land if sometimes it holds standing water. The running theme of the Obama EPA was expanding the agency's reach and multiplying its responsibilities. This campaign was repeatedly halted by courts, but it has threatened to erode liberty and make life more expensive for families, farmers, and companies. But the most tangible consequence of the EPA's mission creep has been the neglect of its core functions.

>

> The Hill: EPA Chief Heads To Texas To See Harvey Cleanup

> Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Houston on Friday to see Hurricane Harvey cleanup efforts and survey work by environmental officials. Pruitt toured the San Jacinto River Waste Pits Superfund site and met with leading federal and state officials involved in environmental oversight of the area's recovery from the historic storm, which dumped more than 40 inches of rain on the area, the agency said.

>

> The Washington Times: White House: No Thaw On Paris Climate Accord Unless Trump Gets Better Deal

> Trump administration officials said Sunday that the president's stance on the Paris climate agreement hasn't changed: He's open to re-engaging as long as he gets a better deal. Secretary of State Rex W. Tillerson said the administration would reconsider its decision to withdraw from the accord "under the right conditions," while National Security Adviser H.R. McMaster said President Trump is willing to look at alternatives that fix the "flawed agreement." "He's out of the Paris climate accord. What he said — the door is open," Mr. McMaster said on "Fox News Sunday." "If you look at what he said on the day that he announced withdrawing from the accord, he said at some point in the future, if there can be a deal that addresses these fundamental flaws, he's open to it."

>

> Texas Tribune: EPA Approves Expedited Loan Funding For Harvey-Related Water Projects

> The Environmental Protection Agency this week approved a request from Texas officials to expedite funding to help local governments restore water and wastewater systems damaged by Hurricane Harvey. The Texas Water Development Board, which administers an EPA low-interest loan program for the state, asked the federal agency in a Sept. 1 letter for the flexibility to quicken loan distribution procedures. In the letter, the board said loan money could serve as a bridge to meet immediate recovery needs for damaged water systems while local governments wait for other federal aid.

>

> KOSU 91.7: Guarded Hope At Oklahoma's Abandoned Mine As EPA Promises Focus On Contaminated Sites

> Newly minted U.S. Environmental Protection Agency Administrator Scott Pruitt spent his first months on the job steering the agency away from climate change to focus, in part, on cleaning up contaminated sites

around the country. The former Oklahoma attorney general has directed a task force to create a top-10 list of locations that need aggressive attention — welcome news at Superfund sites like Tar Creek in the northeastern corner of the state. The spot where Kansas, Missouri and Oklahoma meet was once one of the world's largest sources of lead and zinc. About half of the lead and zinc the military needed in World War I was produced here, in 300 miles of caverns hollowed out underneath towns like Picher, Cardin and Commerce.

>

> The Washington Examiner: Pruitt Deploys EPA's Elite Frogmen In Post-Hurricane Inspections

> The Environmental Protection Agency deployed a team of divers Friday to begin inspecting a flooded toxic waste site in Texas in the aftermath of Hurricane Harvey. "EPA remains committed to providing the necessary resources and personnel to ensure those affected by the devastation of Hurricane Harvey receive proper agency attention," said Administrator Scott Pruitt on Friday after arriving in Houston to tour the Superfund waste sites. Pruitt began his visit by inspecting the San Jacinto River Waste Pits Superfund site. As Pruitt toured the site, "an EPA dive team" began conducting underwater inspections of the site, the agency said.

>

> The New York Times: Using The E.P.A. To Prop Up Big Coal

> The Trump administration is unflinching in its misbegotten campaign to protect the coal industry from what has become an obvious and inevitable decline. Eight months in, the administration has already killed, or is in the process of killing, rules that would prevent the dumping of coal mining wastes in streams, impose a temporary moratorium on new mine leases in the West, and reduce greenhouse gas emissions from coal-fired power plants — one of President Barack Obama's most important efforts to resist climate change. All of this to prop up an industry whose workers would be best served not by false promises of new mining jobs, but by aggressive programs to retrain them for a changing economy. The latest ritualistic bow from Scott Pruitt, the administrator of the Environmental Protection Agency who has presented himself as an industry savior, was to order last week a two-year postponement of the Obama administration's tighter controls on lead, mercury, arsenic and other coal plant wastes that threaten human health. Delaying the rule's effective date to November 2020, Mr. Pruitt said, merely "resets the clock."

>

> National Morning News Highlights 9.18.17

>

> The Associated Press: Trump's Week Anchored By Speech To UN General Assembly

> President Donald Trump is making his debut at the United Nations and taking his complaints about the world body straight to the source. In his first appearance as president, Trump on Monday was addressing a U.S.-sponsored event on reforming the 193-member organization he has sharply criticized. As a candidate for president, Trump labeled the U.N. as weak and incompetent, and not a friend of either the United States or Israel. But he has softened his tone since taking office, telling ambassadors from U.N. Security Council member countries at a White House meeting this year that the U.N. has "tremendous potential."

>

> The Washington Post: U.S. Warns That Time Is Running Out For Peaceful Solution With North Korea

> The Trump administration escalated its rhetoric against North Korea on Sunday, warning that time is running out for a peaceful solution between Kim Jong Un's regime and the United States and its allies. Administration officials said the risk from North Korea's nuclear weapons program is rising, and they underscored that President Trump will confront the looming crisis at the U.N. General Assembly this week. Trump, who spoke by phone with South Korean President Moon Jae-in on Saturday, referred to Kim on Twitter as "Rocket Man" and asserted that "long gas lines" are forming in the North because of recent U.N. sanctions on oil imports. Though Trump's top aides emphasized that the administration is examining all diplomatic measures to rein in Pyongyang, they made clear that military options remain on the table.

>

> The Washington Post: Shrink At Least 4 National Monuments And Modify A Half-Dozen Others, Zinke Tells Trump

> Interior Secretary Ryan Zinke has recommended that President Trump modify 10 national monuments created by his immediate predecessors, including shrinking the boundaries of at least four western sites,

according to a copy of the report obtained by The Washington Post. The memorandum, which the White House has refused to release since Zinke submitted it late last month, does not specify exact reductions for the four protected areas Zinke would have Trump narrow — Utah's Bears Ears and Grand Staircase-Escalante, Nevada's Gold Butte, and Oregon's Cascade-Siskiyou — or the two marine national monuments — the Pacific Remote Islands and Rose Atoll — for which he raised the same prospect. The two Utah sites encompass a total of more than 3.2 million acres, part of the reason they have aroused such intense emotions since their designation. The secretary's set of recommendations also would change the way all 10 targeted monuments are managed. It emphasizes the need to adjust the proclamations to address concerns of local officials or affected industries, saying the administration should permit "traditional uses" now restricted within the monuments' boundaries, such as grazing, logging, coal mining and commercial fishing.

>

> The Wall Street Journal: Solar Power Death Wish

> Billions of dollars in taxpayer subsidies haven't made the U.S. solar industry competitive, and now two companies want to make it even less so. Suniva Inc., a bankrupt solar-panel maker, and German-owned SolarWorld Americas have petitioned the U.S. International Trade Commission (ITC) to impose tariffs on foreign-made crystalline silicon photovoltaic cells. Solar cells in the U.S. sell for around 27 cents a watt. The petitioners want to add a new duty of 40 cents a watt. They also want a floor price for imported panels of 78 cents a watt versus the market price of 37 cents. In other words, they want the government to double the cost of the main component used in the U.S. solar industry. Solar electricity prices could rise by some 30% if the ITC says they've been injured by foreign competition—a decision is due by Sept. 22—and the Trump Administration goes along with the tariff request. U.S. manufacturers won countervailing and antidumping duties against imports from China and Taiwan in 2012 and in 2015. But now they're resorting to Section 201 of the Trade Act of 1974 because they don't need to show they are victims of dumping or foreign government subsidies. They only need to show that imports have harmed them.

>

> The Wall Street Journal: California Democrats Target Tesla

> California Democrats have finally found a cause that's worth suspending their environmental passions. The United Automobile Workers are struggling for a presence in Tesla's Fremont plant, and organized labor has called in a political favor. Since 2010 California has offered a \$2,500 rebate to encourage consumers to buy electric vehicles. But last week, at unions' behest, Democrats introduced an amendment to cap-and-trade spending legislation that would require participating manufacturers to get a sign-off from the state labor secretary verifying that they are "fair and responsible in their treatment of workers." The legislation, which passed Friday, is a direct shot at Tesla. The Clean Vehicle Rebate Project has amounted to a \$82.5 million subsidy for the company, giving extra incentive to 32,842 Tesla buyers in seven years.

>

> TRUMP TWEETS

>

> The Washington Examiner

> <http://www.washingtonexaminer.com/epa-needs-to-stick-to-its-knitting/article/2634483>

> EPA Needs To Stick To Its Knitting

> By The Washington Examiner Editorial Board, 9/18/17

>

> Barack Obama decided that the 1992 Clean Air Act gave the Environmental Protection Agency the authority to force states to regulate carbon dioxide emissions from power plants.

>

> He also expanded the Clean Water Act with a regulation called "Waters of the United States," which aimed to give the EPA regulatory control over land if sometimes it holds standing water.

>

> The running theme of the Obama EPA was expanding the agency's reach and multiplying its responsibilities. This campaign was repeatedly halted by courts, but it has threatened to erode liberty and make life more expensive for families, farmers, and companies.

>

> But the most tangible consequence of the EPA's mission creep has been the neglect of its core

functions.

>

> Trump's EPA Administrator Scott Pruitt laid out Obama's legacy in a recent interview with the Washington Examiner. "He left us with more Superfund sites than when he came in," Pruitt said, referring to contaminated lands which the EPA is supposed to be remediating. "He had Gold King and Flint, Michigan," Pruitt went on, referring to the massive 2015 spill of mine waste into the Animas and San Juan Rivers. Obama also left "air quality standards 40 percent of the country in nonattainment," Pruitt added.

>

> The problem? Obama's EPA wouldn't stick to its knitting. Pruitt aptly described the EPA's mindset under Obama: "We think we just ought to re-imagine authority because you know what? We don't know if people are going to pass regulations or states are going to do their jobs."

>

> Pruitt promises to return the EPA to its proper mission and to limit its activities to those actually prescribed by Congress. Will Pruitt's EPA address greenhouse gas emissions? Obama justified his Clean Power Plan by asserting the urgency of the issue. But the executive's belief that an issue is important doesn't give the executive branch the power to address an issue.

>

> The EPA has only the power Congress has given it. Repeatedly, Obama tried to get Congress to pass climate legislation. Repeatedly, he failed. This should have been taken as a sign that there is no democratic will for it. But Obama took these failures exactly the wrong way, deciding that if Congress won't act, he would act on his own.

>

> This is like a soldier deciding that if his officers won't give him permission to shoot, he'll just have to give himself the order to fire.

>

> On climate, Pruitt says the relevant question is "what tools are in the toolbox of this agency to deal with CO2?" Neither Pruitt nor Trump are allowed to put tools in there. Only Congress can. "We're not going to simply just make up our authority," Pruitt said.

>

> Doing exactly what you are called to do by the proper authorities is not a very exciting mission. But such is the lot of conservatism. Executive agencies are role-players, and even the president doesn't get to determine their role. The Constitution is very clear that Congress alone has that power.

>

> We applaud Pruitt's mission of restoring the EPA to its proper shape and size. And we hope he has the humility, the diligence, and the skill to pull it off, for the sake of the Constitution, the economy, and the environment.

>

> The Hill

> <http://thehill.com/policy/energy-environment/350925-epa-head-visits-harvey-cleanup-in-texas>

> EPA Chief Heads To Texas To See Harvey Cleanup

> By Tim Cama, 9/15/17

>

> Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Houston on Friday to see Hurricane Harvey cleanup efforts and survey work by environmental officials.

>

> Pruitt toured the San Jacinto River Waste Pits Superfund site and met with leading federal and state officials involved in environmental oversight of the area's recovery from the historic storm, which dumped more than 40 inches of rain on the area, the agency said.

>

> The EPA chief and his staff have faced criticism on a number of fronts since Harvey hit late last month.

>

> Pruitt, a skeptic of the scientific consensus on climate change, told CNN it was "insensitive" to discuss the role of climate change in the storm during recovery efforts.

>

> In addition, the agency was criticized for not immediately inspecting Superfund sites on the ground after Harvey hit and officials rolled back a chemical plant safety rule earlier this year designed to mitigate



incidents like a plant explosion near Houston.

>

> "EPA remains committed to providing the necessary resources and personnel to ensure those affected by the devastation of Hurricane Harvey receive proper agency attention," Pruitt said in a statement after his tour and meetings with EPA, Federal Emergency Management Agency and Texas Council on Environmental Quality officials.

>

> "We continue to work closely with our federal, state, and local partners to ensure Superfund are being properly secured, fuel prices remain stabilized, and infrastructure and environmental assessments are thoroughly carried out," he said.

>

> In addition to the San Jacinto River Waste Pits tour, Pruitt did a flyover tour of six other Superfund cleanup sites in the area, the EPA said.

> The Washington Times

> <http://www.washingtontimes.com/news/2017/sep/17/donald-trump-leaving-paris-climate-agreement-unless-h/>

> White House: No Thaw On Paris Climate Accord Unless Trump Gets Better Deal

> By Valerie Richardson, 9/17/17

>

> Trump administration officials said Sunday that the president's stance on the Paris climate agreement hasn't changed: He's open to re-engaging as long as he gets a better deal.

>

> Secretary of State Rex W. Tillerson said the administration would reconsider its decision to withdraw from the accord "under the right conditions," while National Security Adviser H.R. McMaster said President Trump is willing to look at alternatives that fix the "flawed agreement."

>

> "He's out of the Paris climate accord. What he said — the door is open," Mr. McMaster said on "Fox News Sunday." "If you look at what he said on the day that he announced withdrawing from the accord, he said at some point in the future, if there can be a deal that addresses these fundamental flaws, he's open to it."

>

> Mr. Trump announced in June he would pull out of the 2015 agreement, which seeks to limit increases in global temperatures, saying it was "less about climate and more about other countries gaining a financial advantage."

>

> At the time Mr. Trump said that he would be willing to renegotiate the agreement or enter into a new accord that placed less of the economic burden on U.S. companies and workers.

>

> The discussion was spurred by a Saturday Wall Street Journal report saying that a White House adviser suggested a compromise to revise the agreement in exchange for U.S. re-engagement at an international meeting in Montreal, which Mr. McMaster disputed as "false."

>

> "What the president has said is that we are withdrawing from the Paris accord. He left the door open to re-entering at some later time if there can be a better deal for the United States," Mr. McMaster said on ABC's "This Week."

>

> The White House insisted that there has been "no change on the U.S.' position on the Paris agreement.

>

> "As the president has made abundantly clear, the United States is withdrawing unless we can re-enter on terms that are more favorable to our country," said White House spokesperson Lindsay Walters.

>

> Environmentalists weren't holding their breath. "The latest fire drill on the Paris agreement proves only one thing: Donald Trump can't be trusted," said Ben Schreiber, Friends of the Earth senior political strategist.

>

> "Even if Trump does decide to stay in the Paris agreement, it will not be a victory for the planet because

Trump's actions have made it clear that he has no intention of doing our fair share on climate change," said Mr. Schreiber.

>

> Foes of the pact have argued that it represents a wealth transfer to other countries from the U.S., which already leads the world in reducing carbon dioxide emissions, thanks largely to the switch by many power plants from coal to natural gas.

>

> Mr. Tillerson said the accord gave too much to "the second-largest economy in the world, China," which has seen its carbon emissions climb.

>

> "If you look at those targets in terms of the Paris climate accord, they were just really out of balance for the two largest economies," Mr. Tillerson said on "Face the Nation" on CBS.

>

> He said National Economic Council Director Gary Cohn is steering the administration's position on the Paris accord.

>

> "So I think the plan is for Director Cohn to consider other ways in which we can work with partners in the Paris climate accord," Mr. Tillerson said. "We want to be productive. We want to be helpful. The U.S. actually has a tremendous track record on reducing our own greenhouse gas emissions."

>

> Ratified so far by 160 countries, the agreement sets a goal of keeping global temperature increases at well below 2 degrees Celsius from pre-industrial levels by 2100.

>

> President Obama ratified the agreement in 2016 by executive action, instead of bringing the accord before the Senate, after it was negotiated at the 2015 U.N. Climate Change Conference in Paris.

> Texas Tribune

> <https://www.texastribune.org/2017/09/15/epa-approves-expedited-loan-funding-harvey-related-water-projects/>

> EPA Approves Expedited Loan Funding For Harvey-Related Water Projects

> By Katie Riordan, 9/15/17

>

> The Environmental Protection Agency this week approved a request from Texas officials to expedite funding to help local governments restore water and wastewater systems damaged by Hurricane Harvey.

>

> The Texas Water Development Board, which administers an EPA low-interest loan program for the state, asked the federal agency in a Sept. 1 letter for the flexibility to quicken loan distribution procedures. In the letter, the board said loan money could serve as a bridge to meet immediate recovery needs for damaged water systems while local governments wait for other federal aid.

>

> "We're trying to be another party getting funds to communities when they need them," said Jessica Zuba, the deputy executive administrator of water supply and infrastructure at the TWDB. "In the past, there's been a feeling that federal funding can take quite a bit of time lag. We wanted to ... use our capacity and funds and bridge some of that time."

>

> Zuba said the board is reaching out to several cities where Harvey's flooding impacted water infrastructure — such as Pearland, south of Houston, and Rose City, outside Beaumont — to talk about recovery funding needs.

> Harvey's flooding had a sweeping impact on water systems across Texas. At least five public drinking systems throughout the state were destroyed by flooding, and 14 systems remain inoperable, according to the Texas Commission on Environmental Quality. At least 31 waste water facilities are inoperable.

>

> The Texas Water Development Board has about half a billion dollars in loan capacity through the Clean Water State Revolving Fund. This fund has historically provided low-interest loans to cities, districts and other water authorities to finance wastewater infrastructure. But its scope was expanded last year to include more stormwater projects, potentially meaning a large portion of it could be distributed for post-Harvey infrastructure proposals.



>

> “There’s a need right now for the interim financing to get communities back online and back serving their customers, and there’s also: ‘How do we prepare for the next disaster?’” Zuba said.

>

> The fund’s large loan capacity could be used for long-term stormwater resiliency projects, Zuba said. This could appeal to cities looking to finance the initial phases of large-scale infrastructure projects and then later rely on federal funding from agencies such as FEMA to continue construction.

>

> Since last August, the TWDB has approved three non-Harvey-related stormwater projects, totaling about \$35.5 million. The city of Houston has a \$47 million loan application pending to finance stormwater control infrastructure including extensions for flood reduction along Brays Bayou. The city filed this application before Hurricane Harvey hit, and the board expects to review it in October. The TWDB anticipates more applications from Harris County, which includes Houston, as the county’s storm recovery plans solidify.

>

> The TWDB has sought assurance from the EPA that its loan financing would not make water projects ineligible for future federal grants as rebuilding from Harvey continues.

>

> Gov. Greg Abbott also got behind the board’s request to get infrastructure funding to communities as quickly as possible. He sent his own letter to EPA chief Scott Pruitt, asking for streamlined loan options.

>

> Zuba said it is hard to speculate how many loans applications the TWDB might receive but that volume is expected to increase and cooperation with the federal government is making the process easier.

>

> “The flexibility that the EPA is willing to work with us is a great achievement,” she said.

> KOSU 91.7

> <http://kosu.org/post/guarded-hope-oklahomas-abandoned-mine-epa-promises-focus-contaminated-sites>

> Guarded Hope At Oklahoma’s Abandoned Mine As EPA Promises Focus On Contaminated Sites

> By Joe Wertz, 9/15/17

>

> Newly minted U.S. Environmental Protection Agency Administrator Scott Pruitt spent his first months on the job steering the agency away from climate change to focus, in part, on cleaning up contaminated sites around the country.

>

> The former Oklahoma attorney general has directed a task force to create a top-10 list of locations that need aggressive attention — welcome news at Superfund sites like Tar Creek in the northeastern corner of the state.

>

> The spot where Kansas, Missouri and Oklahoma meet was once one of the world’s largest sources of lead and zinc. About half of the lead and zinc the military needed in World War I was produced here, in 300 miles of caverns hollowed out underneath towns like Picher, Cardin and Commerce.

>

> In 1983, Tar Creek became one of the first sites added to EPA’s Superfund list. The law helps identify sites contaminated by dangerous substances, prevents hazards and makes responsible parties pay for cleanup.

>

> Tar Creek is one of the oldest sites on a list of roughly 1,330 Superfund sites across the country. It’s large and has a lot of public health risks. It’s the kind of cleanup EPA Administrator Scott Pruitt is signaling is a priority.

>

> “There are many that have been on that National Priority List for decades, languishing for direction, leadership, answers,” Pruitt told a U.S. House subcommittee in June.

>

> Mining in the tri-state district peaked in the 1920s and stopped by the ’70s. The miners left town; Cave-ins, dangerous dust and caustic water remained. Blood tests showed elevated levels of lead in more than 40 percent of children in some communities.

>

> Most residents took buyouts to leave the former mining towns, which are largely abandoned by anyone not driving a truck tasked with hauling off hills of gravelly waste called chat that fill the horizon like moon-colored dunes.

>

> “We’re averaging an almost 3,000 tons a day of chat to the repository,” says Craig Kreman, assistant environmental director for the Quapaw tribe.

>

> The chat piles are just one part of the problem. Much of the ore was buried below the water table. When the companies left and stopped pumping the mines dry, the caverns filled up. Water carrying cadmium, lead and other toxic metals bubbles to the surface into Tar Creek and downstream into a critical watershed.

>

> The EPA didn’t respond to interview requests. In the testimony on Capitol Hill, representatives pressed Pruitt on how he could champion the Superfund program while simultaneously supporting a budget plan from President Trump that slashes the program’s funding by nearly one-third.

>

> “It’s more about decision-making, leadership and management than money, presently,” he said. Later, Pruitt told the committee he’d push for more funding if he felt it were needed.

>

> Katherine Probst, an independent consultant who has spent 20 years researching and evaluating EPA’s Superfund program, says poor funding has plagued the program for decades.

>

> “They don’t have the money to clean up an average Superfund site in most states,” she says. “They just don’t have \$25 million to clean up a site.”

>

> Superfund was initially funded by a trust fed by taxes on crude oil, chemicals and environmental taxes levied on corporations. Those taxes expired in 1995 and were not reauthorized. The money now comes by way of congressional appropriations. Research from Probst and the U.S. Government Accountability Office shows funding for Superfund has declined for nearly two decades — under Republican and Democratic administrations.

>

> Probst says Superfund sites would benefit from clearing bureaucratic red tape, which Pruitt pledges to do. Technical problems are stalling progress at some sites. Others are delayed by foot-dragging by companies deemed responsible for contamination. Other roadblocks are unknown due to poor data about the sites and the health hazards they pose.

>

> Rebecca Jim, the executive director for L.E.A.D. Agency, says the government’s attention to Superfund faded alongside the tax money.

>

> “Superfund is broke,” she says.

>

> Jim founded the nonprofit in the mid-’90s to organize and amplify local residents’ concerns about the Tar Creek contamination and cleanup. The group’s headquarters in nearby Miami has become an information hub about the contaminated site and a community center for local youth.

>

> Jim would like Superfund’s stream of tax money restored, but acknowledges that’s likely a pipe dream.

>

> “You get a good start in trying to do the clean up, but you just do a little at a time — that’s all you can do,” she says.

>

> In 2012, the EPA signed an agreement for the Quapaw to lead and manage the Tar Creek project — the first tribal-led cleanup of a federal Superfund site. Earlier this year, the agency awarded the tribe \$4.8 million to clean up soil from contaminated tribal lands.

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> Jim says the tribal management is a positive development for Tar Creek.

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> "We've got some real hope to start restoring some larger pieces of land, but it costs money," she says.

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> Top EPA officials recently traveled to northeastern Oklahoma for a tour of the Tar Creek Superfund site. Kreman with the Quapaw says the tribe hopes the agency's visit is a good sign.

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> "We took them up top a chat pile and they can see, for miles, the effects Tar Creek has had on the environment on the community," he says.

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> Kreman says Tar Creek still needs tens of millions in federal money to support a cleanup that will likely continue for decades. If Superfund's budget is slashed, Tar Creek will compete with others for a smaller slice of funding.

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> When the top-10 list comes out, Kreman and Jim hope Tar Creek is on it and that the contamination in their community once again is recognized as one of the country's most polluted places.

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> "Every single acre is a celebration. Every bit of water that's cleaned up before it enters Tar Creek, that's a celebration," Jim says. "I'm just waiting for the big one. The big joy when it's done."

> The Washington Examiner

> <http://www.washingtonexaminer.com/pruitt-deploys-epas-elite-frogmen-in-post-hurricane-inspections/article/2634623>

> Pruitt Deploys EPA's Elite Frogmen In Post-Hurricane Inspections

> By John Siciliano, 9/15/17

>

> The Environmental Protection Agency deployed a team of divers Friday to begin inspecting a flooded toxic waste site in Texas in the aftermath of Hurricane Harvey.

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> "EPA remains committed to providing the necessary resources and personnel to ensure those affected by the devastation of Hurricane Harvey receive proper agency attention," said Administrator Scott Pruitt on Friday after arriving in Houston to tour the Superfund waste sites.

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> Pruitt began his visit by inspecting the San Jacinto River Waste Pits Superfund site. As Pruitt toured the site, "an EPA dive team" began conducting underwater inspections of the site, the agency said.

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> "EPA will continue to keep the public informed as assessments of the site continue and site determinations are made by the dive team," the agency added.

>

> EPA has a robust team of divers that dates to its creation in the 1970s. "Our first dive units were established in Seattle and Gulf Breeze, Florida, to support EPA's monitoring, research and emergency response efforts," the agency's website said. "In 2016, we conducted 946 dives involving 65 divers in nine diving units across the country."

>

> EPA's team of environmental divers have some hazardous jobs that include sampling submerged drums of "unknown materials," mapping illegal underwater dump sites, and inspecting waste discharges from seafood processing facilities, to name a few, according to the agency. The divers also can be found assessing the health of seagrass meadows, coral reefs, and other important marine habitats.

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> Pruitt later left the divers to take to the skies with the Coast Guard for an aerial inspection of other waste cleanup sites.

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> The New York Times

> <https://www.nytimes.com/2017/09/18/opinion/using-the-epa-to-prop-up-big-coal.html>

> Using The E.P.A. To Prop Up Big Coal

> The New York Times Editorial Board, 9/18/17

>

> The Trump administration is unflinching in its misbegotten campaign to protect the coal industry from

what has become an obvious and inevitable decline. Eight months in, the administration has already killed, or is in the process of killing, rules that would prevent the dumping of coal mining wastes in streams, impose a temporary moratorium on new mine leases in the West, and reduce greenhouse gas emissions from coal-fired power plants — one of President Barack Obama's most important efforts to resist climate change. All of this to prop up an industry whose workers would be best served not by false promises of new mining jobs, but by aggressive programs to retrain them for a changing economy.

>

> The latest ritualistic bow from Scott Pruitt, the administrator of the Environmental Protection Agency who has presented himself as an industry savior, was to order last week a two-year postponement of the Obama administration's tighter controls on lead, mercury, arsenic and other coal plant wastes that threaten human health. Delaying the rule's effective date to November 2020, Mr. Pruitt said, merely "resets the clock."

>

> What it does, rather, is to try to twist the clock back to the day when coal was essentially a monopoly fuel, a day that practical-minded utility executives know is long gone. In fact, these executives are busily shutting down coal-fired plants in favor of more affordable energy sources like natural gas and wind and solar power.

>

> "We're not going to build any more coal plants; that's not going to happen," Chris Beam, head of Appalachian Power, West Virginia's largest utility, bluntly told the state last April, despite President Trump's phantasmagorical campaign promise to resurrect lost jobs for coal miners. No less candid, Lynn Good, the head of Duke Energy, America's largest utility, defended the closing of 12 coal plants across five years, with more to come, in order to cut the company's coal-fired energy output by a third: "Our strategy will continue to be to drive carbon out of our business."

>

> In February, one of the nation's biggest coal-fired plants, the Navajo Generating Station in Arizona, set plans to shut down by the end of 2019 — more than two decades earlier than expected — in order to turn to alternatives, cut consumer prices and shed the notoriety of being the third-worst carbon polluter in the nation, according to the ratings of the (pre-Trump) E.P.A.

>

> While environmental rules have played some role in the closing of coal-fired plants, the main driver is cheaper and abundant natural gas. Coal's use in power generation has been declining since 2007, and by 2016 coal-fired plants produced only 30 percent of the nation's total generation, compared with 50 percent in 2003.

>

> The trend will continue; an estimated 46-plus coal-fired units will close at 25 electricity plants in 16 states over the next five years, according to the Institute for Energy Economics and Financial Analysis. In its outlook for 2017, the institute skewered Mr. Trump's campaign vows, saying, "Promises to create more coal jobs will not be kept — indeed the industry will continue to cut payrolls."

>

> About 60,000 coal industry jobs have been lost since 2011, and three of the four major mining companies have gone bankrupt, according to a new study by Columbia University's Center on Global Energy Policy. Even so, Mr. Trump remains obstinate in his "war on coal" statements and steadfast to his bloated campaign promises to laid-off miners, despite expert opinion, expressed in the study, that lifting vital environmental controls "will not materially improve" the coal industry's prospects.

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> It is shocking that an administration led and staffed by supposedly shrewd business executives deliberately overlooks the blossoming of profitable and cleaner energy products simply because of Mr. Trump's hollow showmanship before his campaign base.

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> Until now, the E.P.A. and the environmental safeguards Congress has ordered it to enforce have been crucial to the development of new technologies. To have Mr. Pruitt sully that history with false promises to a fading industry is irresponsible.

> The Associated Press

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[http://hosted.ap.org/dynamic/stories/U/US\\_TRUMP?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT](http://hosted.ap.org/dynamic/stories/U/US_TRUMP?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT)

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> Trump's Week Anchored By Speech To UN General Assembly

> By Darlene Superville, 9/18/17

>

> President Donald Trump is making his debut at the United Nations and taking his complaints about the world body straight to the source.

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> In his first appearance as president, Trump on Monday was addressing a U.S.-sponsored event on reforming the 193-member organization he has sharply criticized.

>

> As a candidate for president, Trump labeled the U.N. as weak and incompetent, and not a friend of either the United States or Israel. But he has softened his tone since taking office, telling ambassadors from U.N. Security Council member countries at a White House meeting this year that the U.N. has "tremendous potential."

>

> Trump more recently has praised a pair of unanimous council votes to tighten sanctions on North Korea over its continued nuclear weapon and ballistic missile tests.

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> Trump's big moment comes Tuesday, when he delivers his first address to a session of the U.N. General Assembly. The annual gathering of world leaders will open amid serious concerns about Trump's priorities, including his policy of "America First," his support for the U.N. and a series of global crises. It will be the first time world leaders will be in the same room and able to take the measure of Trump.

>

> The president and U.N. Secretary-General Antonio Guterres will speak at Monday's reform meeting. The U.S. has asked member nations to sign a declaration on U.N. reforms, and more than 100 have done so. Trump wants the U.N. to cut spending and make other operational changes.

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> Nikki Haley, the U.S. ambassador to the U.N., said Trump's criticisms were accurate at the time, but that it is now a "new day" at the U.N. An organization that "talked a lot but didn't have a lot of action" has given way to a "United Nations that's action-oriented," she said, noting the Security Council votes on North Korea this month.

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> Guterres has proposed a massive package of changes, and Haley said the U.N. is "totally moving toward reform."

>

> "We said that we needed to get value for our dollar and what we're finding is the international community is right there with us in support of reform. So it is a new day at the U.N.," she said Sunday on CNN's "State of the Union." She said Trump's pleas had been heard and "what we'll do is see him respond to that."

>

> Trump also planned to hold separate talks Monday with Israeli Prime Minister Benjamin Netanyahu and French President Emmanuel Macron. U.S. national security adviser H.R. McMaster said the conversations would be wide-ranging, but that "Iran's destabilizing behavior" would be a major focus of Trump's discussions with both leaders.

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> Breakthroughs on a Middle East peace agreement are not expected. Jared Kushner, Trump's son-in-law and senior adviser on the issue, recently returned from a trip to the Middle East.

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> Trump told Jewish leaders on a conference call last week that his team is working very hard to achieve a peace agreement between the Israelis and Palestinians and that he hoped to see "significant progress" on a deal before the end of the year. Trump is scheduled to meet later this week with Palestinian Authority President Mahmoud Abbas.

>

> Trump was also hosting a dinner for Latin American leaders. Venezuela, which has been gripped by economic and political turmoil, will be discussed, McMaster said.

>



> The United States is the largest contributor to the U.N. budget, reflecting its position as the world's largest economy. It pays 25 percent of the U.N.'s regular operating budget and over 28 percent of the separate peacekeeping budget - a level of spending that Trump has complained is unfair.

>

> "We need the member states to come together to eliminate inefficiency and bloat, and to ensure that no one nation shoulders a disproportionate share of the burden militarily or financially," Trump told the security council ambassadors as they dined at the White House in April. "This is only fair to our taxpayers."

>

> The Trump administration is conducting a review of the U.N.'s 16 far-flung peacekeeping operations, which cost nearly \$8 billion a year. Cutting their costs and making them more effective is a top priority for Haley.

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> Guterres has said he is totally committed to reforming the U.N. and making it more responsive to the needs of the 21st century world. As for the peacekeeping budget, he said last week that his intention is to do everything possible to make the missions "the most effective" as well as "cost-effective."

>

> The Washington Post

> [https://www.washingtonpost.com/politics/us-warns-that-time-is-running-out-for-peaceful-solution-with-north-korea/2017/09/17/101dcdea-9bd6-11e7-8ea1-ed975285475e\\_story.html?utm\\_term=.0bf313a591cc](https://www.washingtonpost.com/politics/us-warns-that-time-is-running-out-for-peaceful-solution-with-north-korea/2017/09/17/101dcdea-9bd6-11e7-8ea1-ed975285475e_story.html?utm_term=.0bf313a591cc)

> U.S. Warns That Time Is Running Out For Peaceful Solution With North Korea

> By David Nakmura and Anne Gearan, 9/17/17

>

> The Trump administration escalated its rhetoric against North Korea on Sunday, warning that time is running out for a peaceful solution between Kim Jong Un's regime and the United States and its allies.

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> Administration officials said the risk from North Korea's nuclear weapons program is rising, and they underscored that President Trump will confront the looming crisis at the U.N. General Assembly this week. Trump, who spoke by phone with South Korean President Moon Jae-in on Saturday, referred to Kim on Twitter as "Rocket Man" and asserted that "long gas lines" are forming in the North because of recent U.N. sanctions on oil imports.

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> Though Trump's top aides emphasized that the administration is examining all diplomatic measures to rein in Pyongyang, they made clear that military options remain on the table.

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> "If North Korea keeps on with this reckless behavior, if the United States has to defend itself or defend its allies in any way, North Korea will be destroyed," Nikki Haley, the U.S. ambassador to the United Nations, said Sunday on CNN's "State of the Union." "None of us want that. None of us want war. But we also have to look at the fact that you are dealing with someone [in Kim] who is being reckless, irresponsible and is continuing to give threats not only to the United States, but to all of its allies. So something is going to have to be done."

>

> The question remains, however, how realistic the Trump administration's threats are as the North quickly advances its nuclear and ballistic missile capabilities. Trump's latest tweets came two weeks after North Korea tested a nuclear device that experts said measured at 250 kilotons, 17 times the force of the atomic bomb that destroyed Hiroshima in World War II.

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> Trump warned Kim last month that the North would feel the "fire and fury" of the United States if the regime continued its threats and destabilized the Korean Peninsula and East Asia. But Kim promptly responded with new threats and a round of new weapons tests.

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> Trump is scheduled to join Moon and Japanese Prime Minister Shinzo Abe at a working lunch Thursday in New York, on the sidelines of the U.N. meetings, to discuss North Korea, White House aides said. Yet Trump will not have the opportunity to meet with Xi Jinping of China and Vladimir Putin of Russia; both leaders are skipping the annual gathering.

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> Last week, Haley touted the U.N. sanctions on the North, saying that, if enacted, they would cut off 30 percent of oil imports and curtail 90 percent of Kim's exports, putting a major economic pinch on a government that has long struggled to provide for the nation's estimated 25 million people.

>

> Yet Trump said last week that he and Secretary of State Rex Tillerson are skeptical that the sanctions will have a significant impact on North Korea's nuclear ambitions. Administration officials reaffirmed the United States' long-standing policy that the North must agree to relinquish its nuclear arsenal as a prerequisite for direct diplomatic talks.

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> "He's going to have to give up his nuclear weapons, because the president has said that he is not going to tolerate this regime threatening the United States and our citizens with a nuclear weapon," national security adviser H.R. McMaster said on ABC's "This Week."

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> Trump, McMaster added, has "been very clear about that, that all options are on the table."

>

> At the same time, the administration signaled that it is not pursuing regime change, a position that could help persuade Beijing to play a stronger role in pressuring Kim. China facilitates about 90 percent of North Korea's trade and provides its oil.

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> Yet Tillerson said North Korea does not appear to be interested in denuclearization talks.

>

> "I'm waiting for the regime in North Korea to give us some indication that they're prepared to have constructive, productive talks," he said on CBS's "Face the Nation."

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> "We have tried a couple of times to signal to them that we're ready when they're ready," Tillerson added, "and they responded with more missile launches and a nuclear test. All they need to do to let us know they're ready to talk is to just stop these tests, stop these provocative actions, and let's lower the threat level and the rhetoric."

>

> Many U.S. allies in Europe and elsewhere are strongly opposed to any use of force that could further destabilize the Korean Peninsula and East Asia. The two unanimous U.N. Security Council votes for sanctions in recent weeks have marked a new level of alarm from those allies, as well as Moscow and Beijing.

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> But McMaster said Washington isn't assuming the sanctions will work or buy time.

>

> "We all have our doubts about whether or not that's going to be enough," he said, "and so we have to prepare all options. We have to make sure all options are under development to ensure that this regime cannot threaten the world with a nuclear weapon."

>

> Analysts have said the North has shown rapid improvements in its ballistic missile and nuclear technologies. Recent missile tests have demonstrated the range to potentially strike the continental United States, along with the technical capacity to mount a miniature nuclear device on a missile, analysts said.

>

> That has accelerated the urgency in Washington, at the White House and on Capitol Hill. Asked on CNN whether the Trump administration should continue to deny the North diplomatic talks until it ends its nuclear program, Sen. Dianne Feinstein (D-Calif.), a member of the Senate Intelligence Committee, said no.

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> "I think that North Korea is not going to give up its program with nothing on the table," she said. "I think that what could happen is that we could have reliable verification of a freeze of both the nuclear program and the missile arsenal, and that we could conceivably talk China into supporting that kind of a freeze, because it would carry with it no regime change and no war."

>

> The Washington Post  
 > [https://www.washingtonpost.com/national/health-science/shrink-at-least-4-national-monuments-and-modify-a-half-dozen-others-zinke-tells-trump/2017/09/17/a0df45cc-9b48-11e7-82e4-f1076f6d6152\\_story.html?utm\\_term=.1b78aa49bdc3](https://www.washingtonpost.com/national/health-science/shrink-at-least-4-national-monuments-and-modify-a-half-dozen-others-zinke-tells-trump/2017/09/17/a0df45cc-9b48-11e7-82e4-f1076f6d6152_story.html?utm_term=.1b78aa49bdc3)  
 > Shrink At Least 4 National Monuments And Modify A Half-Dozen Others, Zinke Tells Trump  
 > By Juliet Eilperin, 9/17/17  
 >  
 > Interior Secretary Ryan Zinke has recommended that President Trump modify 10 national monuments created by his immediate predecessors, including shrinking the boundaries of at least four western sites, according to a copy of the report obtained by The Washington Post.  
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 > The memorandum, which the White House has refused to release since Zinke submitted it late last month, does not specify exact reductions for the four protected areas Zinke would have Trump narrow — Utah's Bears Ears and Grand Staircase-Escalante, Nevada's Gold Butte, and Oregon's Cascade-Siskiyou — or the two marine national monuments — the Pacific Remote Islands and Rose Atoll — for which he raised the same prospect. The two Utah sites encompass a total of more than 3.2 million acres, part of the reason they have aroused such intense emotions since their designation.  
 >  
 > The secretary's set of recommendations also would change the way all 10 targeted monuments are managed. It emphasizes the need to adjust the proclamations to address concerns of local officials or affected industries, saying the administration should permit "traditional uses" now restricted within the monuments' boundaries, such as grazing, logging, coal mining and commercial fishing.  
 >  
 > If enacted, the changes could test the legal boundaries of what powers a president holds under the 1906 Antiquities Act. Although Congress can alter national monuments easily through legislation, presidents have reduced their boundaries only on rare occasions.  
 >  
 > A section of the canyons within Utah's Grand Staircase-Escalante National Monument. (Douglas C. Pizac/AP)  
 > The memorandum, labeled "Final Report Summarizing Findings of the Review of Designations Under the Antiquities Act," shows Zinke concluded after a nearly four-month review that both Republican and Democratic presidents went too far in recent decades in limiting commercial activities in protected areas. The act, signed into law by President Theodore Roosevelt, gives the president wide latitude to protect public lands and waters that face an imminent threat.  
 >  
 > "It appears that certain monuments were designated to prevent economic activity such as grazing, mining and timber production rather than to protect specific objects," the report reads, adding that while grazing is rarely banned "outright," subsequent management decisions "can have the indirect result of hindering livestock-grazing uses."  
 >  
 > To correct this overreach, Zinke says, Trump should use his authority under the Antiquities Act to change each of the 10 sites' proclamations to permit activities that are now restricted. These include "active timber management" in Maine's Katahdin Woods and Waters; a broader set of activities in New Mexico's Organ Mountains-Desert Peaks and Rio Grande del Norte; and commercial fishing in the two Pacific Ocean marine monuments, as well as in one off the New England coast, Northeast Canyons and Seamounts.  
 >  
 > In most of his recommendations, Zinke suggests Trump amend the existing proclamations "to protect objects and prioritize public access; infrastructure upgrades, repair and maintenance; traditional use; tribal cultural use; and hunting and fishing rights."  
 >  
 > The White House is reviewing the recommendations and has not reached a final decision on them. At several points, the memo bears the marker "Draft Deliberative — Not for Distribution."  
 >  
 > In an email Sunday, White House spokeswoman Kelly Love said she would not discuss in detail a review that is still underway: "The Trump Administration does not comment on leaked documents,



especially internal drafts which are still under review by the President and relevant agencies.”

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> The majority of the monuments listed in the report were established by either President Bill Clinton or President Barack Obama, but the two Pacific Ocean sites were created by President George W. Bush and later expanded by Obama.

>

> “No other administration has gone this far,” Kristen Brengel, vice president of government affairs for the National Parks Conservation Association, said of the Trump White House in an interview. “This law was intended to protect places from development, not promote damaging natural and cultural resources.”

>

> The secretary urges Trump to request congressional authority “to enable tribal co-management of designated cultural resources” in three ancestral sites: Bears Ears, Rio Grande del Norte and Organ Mountains-Desert Peaks.

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> At the same time, he proposes not only shrinking the boundaries of Bears Ears but requesting that Congress make less-restrictive designations within it, “such as national recreation areas or national conservation areas.” The monument, which contains tens of thousands of cultural artifacts, has become the most prominent symbol of the issues surrounding the Antiquities Act.

>

> Yet Zinke also suggests the administration explore the possibility of establishing three new national monuments that would recognize either African American or Native American history. These include Kentucky’s Camp Nelson, an 1863 Union Army outpost where African American regiments trained; the home of murdered civil rights hero Medgar Evers in Jackson, Miss.; and the 130,000-acre Badger-Two Medicine area in Zinke’s home state of Montana, which is considered sacred by the Blackfeet Nation.

>

> “This process should include clear criteria for designations and methodology for meeting conservation and protection goals,” he writes of these potential designations, adding that this course should be “fully transparent” to allow for public input.

>

> Trump signed an executive order in April directing Zinke to examine any national monument created since Jan. 1, 1996, and spanning at least 100,000 acres. The secretary ultimately included 27 of them, including Katahdin, which is roughly 87,500 acres.

>

> Before submitting Zinke’s report to the White House in August, Interior had already announced that six of the monuments under scrutiny would remain unchanged. Zinke’s memorandum is silent on the fate of the remaining 11 monuments, including Papahānaumokuākea, which Bush created but Obama expanded to more than 582,578 square miles of land and sea in the northwestern Hawaiian Islands.

>

> Conservative Republicans, including House Natural Resources Committee Chairman Rep. Rob Bishop of Utah, have long been critical of how presidents have used the Antiquities Act. Speaking to reporters last month, Bishop said that the law was not intended “to appoint the president as a dictator” and that federal officials needed to be more respectful of what state lawmakers and local residents thought of protecting areas near their communities.

>

> Ethan Lane, who directs the Public Lands Council at the National Cattlemen’s Beef Association, said in an interview that what administration officials are doing is “going back in to look at these designations and ensuring that groups that are significantly impacted are heard. . . . They’re going back and fixing what is wrong with a pretty hurried and nontransparent process.”

>

> Grand Staircase-Escalante, which Clinton designated in 1996, later led to a land exchange between Utah and the federal government that was ratified by Congress and incorporated a \$14 million buyout of 17 leases held by Andalex Resources Inc. within the monument’s boundaries.

>

> Zinke’s report notes that the site contains “an estimated several billion tons of coal and large oil deposits” and that the limits of motorized vehicle use there “has created conflict with Kane and Garfield Counties’ transportation network.”

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> In the case of the Pacific Remote Islands, the memo notes that before Bush protected it in 2009 “there were Hawaiian and American Samoan longliners and purse seiners vessels operating.”

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> National Geographic explorer in residence Enric Sala, who has conducted scientific surveys in the Pacific Remote Islands Marine National Monument, said in an email that any effort to restart commercial fishing within its boundaries “would not only harm the ecosystem the monument is supposed to protect, but also its ability to help replenish tuna fisheries around it.”

>

> While concerns about ranching are raised more frequently than any other objection in the report, Zinke also writes that “border security is a concern resulting from the designation” of Organ Mountains-Desert Peaks near New Mexico’s border with Mexico. Both the Homeland Security Department and the Pentagon should assess risks associated with the monument, he suggests, given the proximity of nearby military installations.

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> U.S. Customs and Border Protection issued a letter in January 2014, before the site was designated, saying it would not impede security and would “significantly enhance the flexibility” of agents patrolling a five-mile strip along the border that was then an official wilderness study area.

>

> Changing the way these monuments are managed, as well as their size, is likely to spur a range of legal challenges. Both Trump’s executive order and the report highlight the importance of protecting sites though “the smallest area compatible with the proper care and management of the objects to be protected.”

>

> “Throughout the review, the Secretary has seen examples of objects not clearly defined in the proclamation,” the report reads. “Examples of such objects are geographic areas, ‘viewsheds,’ and ‘ecosystems.’”

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> And in Katahdin, which is managed by the National Park Service, the secretary proposes amending its proclamation “to promote a healthy forest through active timber management.”

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> Lucas St. Clair, whose family’s foundation donated the land to the federal government last year to create the monument, said he did not understand why the administration would be seeking changes since the Park Service already has the right to cut trees to maintain the property and protect visitors.

>

> “We need to look through the lens of protecting the conservation and recreational values of the monument. I’m not sure if timber management does that,” he said.

>

> The Wall Street Journal

> <https://www.wsj.com/articles/solar-power-death-wish-1505513718>

> Solar Power Death Wish

> By The Wall Street Journal Editorial Board, 9/16/17

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> Billions of dollars in taxpayer subsidies haven’t made the U.S. solar industry competitive, and now two companies want to make it even less so. Suniva Inc., a bankrupt solar-panel maker, and German-owned SolarWorld Americas have petitioned the U.S. International Trade Commission (ITC) to impose tariffs on foreign-made crystalline silicon photovoltaic cells.

>

> Solar cells in the U.S. sell for around 27 cents a watt. The petitioners want to add a new duty of 40 cents a watt. They also want a floor price for imported panels of 78 cents a watt versus the market price of 37 cents. In other words, they want the government to double the cost of the main component used in the U.S. solar industry. Solar electricity prices could rise by some 30% if the ITC says they’ve been injured by foreign competition—a decision is due by Sept. 22—and the Trump Administration goes along with the tariff request.

>

> U.S. manufacturers won countervailing and antidumping duties against imports from China and Taiwan

in 2012 and in 2015. But now they're resorting to Section 201 of the Trade Act of 1974 because they don't need to show they are victims of dumping or foreign government subsidies. They only need to show that imports have harmed them.

>

> The harm is real but that's due to changes in the marketplace. The U.S. solar industry has discovered that its comparative advantage lies not in making panels, a basic product, but in adding value to imported cells and modules. This involves making and installing racking or framing systems and incorporating innovations like trackers that orient toward the sun.

>

> To turn sunshine into energy requires inverters that translate the energy captured on a solar panel into something that can be sent on the electrical grid. While there are fewer than 1,000 jobs in U.S. panel manufacturing, some 260,000 jobs rely on access to imported panels.

>

> Not even the investment firm financing the Suniva legal team for the petition believes in the future of U.S. solar panel manufacturing. SQN Capital Management, which is owed an estimated \$51 million by Suniva, wrote a letter in May to the Chinese chamber of commerce indicating that the 201 case would go away if a Chinese company bought Suniva's \$55 million in manufacturing equipment.

>

> Higher prices for panels will also hurt utilities that have invested in renewable fuels. In an August 21 letter to the ITC, Diane Denton of Duke Energy wrote that over the last five years Duke has invested heavily in solar and has plans for more. But Duke needs "access to solar CSPV modules at globally-competitive prices" so it can "provide cost-competitive solar power to our customers," Ms. Denton wrote.

>

> The ITC hasn't investigated a 201 trade case since the Bush Administration slapped a 30% tariff on steel imports in 2002. That fiasco cost an estimated 200,000 jobs in U.S. steel-consuming industries before the Administration dropped the tariffs 18 months later.

>

> Solar tariffs would be another destructive exercise that benefits a handful of Suniva and SolarWorld investors at the expense of everyone else—including the rest of the solar industry. This is protectionism at its worst.

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> The Wall Street Journal

> <https://www.wsj.com/articles/california-democrats-target-tesla-1505677365>

> California Democrats Target Tesla

> By The Wall Street Journal Editorial Board, 9/18/17

>

> California Democrats have finally found a cause that's worth suspending their environmental passions. The United Automobile Workers are struggling for a presence in Tesla's Fremont plant, and organized labor has called in a political favor.

>

> Since 2010 California has offered a \$2,500 rebate to encourage consumers to buy electric vehicles. But last week, at unions' behest, Democrats introduced an amendment to cap-and-trade spending legislation that would require participating manufacturers to get a sign-off from the state labor secretary verifying that they are "fair and responsible in their treatment of workers."

>

> The legislation, which passed Friday, is a direct shot at Tesla. The Clean Vehicle Rebate Project has amounted to a \$82.5 million subsidy for the company, giving extra incentive to 32,842 Tesla buyers in seven years.

>

> Tesla's sales have been built with taxpayer support. When Hong Kong cut back its electric-vehicle tax credits earlier this year, Tesla sales dropped to zero in April from nearly 3,000 the month earlier. And when Denmark scaled back incentives last year, electric-car sales plummeted by 70%.

>

> The labor secretary in California is hand-picked by unions and their Democratic allies, and last month the UAW and a few auto workers filed a complaint against Tesla with the National Labor Relations Board, alleging unfair labor practices.

>

> But the plant's employees are doubtless aware of the union's abysmal record in Fremont, which stretches back decades. In the early 1980s, the union's control was so complete that General Motors couldn't fire even workers who drank, used drugs and had sex at the Fremont plant. Roughly one in five workers failed to show up on any given day. The plant closed in 1982—no surprise. Auto workers got a second shot with a GM-Toyota joint venture, but that was shuttered in 2010.

>

> A record of closures and corruption contributed to the UAW's defeat last month at a Mississippi Nissan plant, where workers voted nearly two-to-one against the union. Organized labor needs political coercion because it can't win over workers on its own. As for electric cars and green subsidies, what progressive politicians give away with one hand they want to redistribute with another.

> TRUMP TWEETS

>

>

[cid:image001.jpg@01D33061.C5476DB0]<<https://twitter.com/realDonaldTrump/status/909768037787717633>> [cid:image002.jpg@01D33061.C5476DB0]  
<<https://twitter.com/realDonaldTrump/status/909767654432526336>>

>

[cid:image003.jpg@01D33061.C5476DB0]<<https://twitter.com/realDonaldTrump/status/908643633901039617>> [cid:image004.jpg@01D33061.C5476DB0] [cid:image005.jpg@01D33061.C5476DB0]  
[cid:image006.jpg@01D33061.C5476DB0] [cid:image007.jpg@01D33061.C5476DB0]  
[cid:image008.jpg@01D33061.C5476DB0] [cid:image009.jpg@01D33061.C5476DB0]

>

>

> Michael Abboud  
> U.S. Environmental Protection Agency  
> Office of Public Affairs  
> M: Ex. 6 - Personal Privacy

>

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> <image002.jpg>  
> <image003.jpg>  
> <image004.jpg>  
> <image005.jpg>  
> <image006.jpg>  
> <image007.jpg>  
> <image008.jpg>  
> <image009.jpg>  
> <EPA Morning News Highlights 9.18.17.docx>

**To:** Bowman, Liz[Bowman.Liz@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Gray, David  
**Sent:** Thur 8/10/2017 8:24:27 PM  
**Subject:** FW: Region 6 Weekly Report

**From:** Gray, David  
**Sent:** Thursday, August 10, 2017 3:23 PM  
**To:** Weekly Report Group <Weekly\_Report\_Group@epa.gov>; Coleman, Sam <Coleman.Sam@epa.gov>  
**Cc:** Dunham, Sarah <Dunham.Sarah@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>; Kenny, Shannon <Kenny.Shannon@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>  
**Subject:** Region 6 Weekly Report

## Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

## Tar Creek, Picher, Oklahoma

Region 6 continues Operable Unit 5 field sampling to fill data gaps related to characterization of and potential risk related to sediment and surface water within the Tri-state Watershed investigation area. The sampling is being accomplished through joint coordination and cooperation with Region 7; the states of Oklahoma, Missouri and Kansas; the Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee tribes; and other federal and state agencies (U.S. Fish and Wildlife, U.S. Geological Survey, Oklahoma Department of Wildlife). The sampling is focusing on a tri-state watershed approach to address sediments and surface water in perennial streams that may be impacted by mining operations. The project area consists of seven watersheds, and covers approximately 437 square miles and 119 river miles. Senior Advisor Albert Kelly will tour the Tar Creek Superfund site on Monday, August 14. San Francisco-based media site, Timeline, is working on a story about how Picher evolved from a wartime boom town to a ghost town.

# Ex. 5 - Deliberative Process



# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

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**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**Cc:** Gray, David[gray.david@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Wed 12/20/2017 1:24:08 AM  
**Subject:** Re: Bird Creek folo

Yes - sadly he announced his retirement at the Monday senior staff meeting

Sent from my iPhone

On Dec 19, 2017, at 7:11 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Of course but exit?! He isn't retiring is he?

Sent from my iPhone

On Dec 19, 2017, at 6:47 PM, Gray, David <gray.david@epa.gov> wrote:

Would you be okay with Sam doing an exit piece with the Tulsa World?

Sent from my iPhone

Begin forwarded message:

**From:** "Bostian, Kelly" <Kelly.Bostian@tulsaworld.com>  
**Date:** December 19, 2017 at 5:34:06 PM CST  
**To:** "Gray, David" <gray.david@epa.gov>  
**Subject:** RE: Bird Creek folo

Wow.. I'd love to interview him about his time with EPA...  
Good guy, is my impression.

Later in the week is fine. Let me know a time and I'll make it work.

Thanks,  
Kellky

Kelly Bostian  
Outdoors Writer  
Tulsa World Media Company  
[www.tulsaworld.com](http://www.tulsaworld.com)  
office | Ex. 6 - Personal Privacy

mobile | Ex. 6 - Personal Privacy  
fax | Ex. 6 - Personal Privacy  
315 S. Boulder Ave., Tulsa, OK 74103  
twitter | Ex. 6 - Personal Privacy  
blog | [tulsaworld.com/KellyBostian](http://tulsaworld.com/KellyBostian)  
email | [kelly.bostian@tulsaworld.com](mailto:kelly.bostian@tulsaworld.com)

---

From: Gray, David [[gray.david@epa.gov](mailto:gray.david@epa.gov)]  
Sent: Tuesday, December 19, 2017 3:56 PM  
To: Bostian, Kelly  
Subject: RE: Bird Creek folo

Kelly,

I just saw your note. Let's connect later this week. BTW - Sam has announced his retirement on January 2. Lucky for us - he stayed on as long as he did (his retirement has been planned for over a year) but he announced this week.

David

-----Original Message-----

From: Bostian, Kelly [<mailto:> Ex. 6 - Personal Privacy]  
Sent: Tuesday, December 19, 2017 3:16 PM  
To: Gray, David <[gray.david@epa.gov](mailto:gray.david@epa.gov)>  
Subject: Bird Creek folo

Hi David,

Editors have me working on a Bird Creek folo this week to run probably the week between the holidays. Our first story on this ran Jan. 3, 2017 so we're looking for a year-later sort of perspective.

I talked with Warren American and Dr. Sublette about the pumping and monitoring experiment they did the past couple of weeks and am in need of the EPA perspective on the regulatory process and how their cleanup idea fits with the process for the shut-in orders. Sounds like Sublette has recommended a 2nd and even a 3rd pumping that could be done months from now, depending on rain events (or lack thereof).

Hope to hear from you soon this.

(as a side note I'm at Tar Creek Site on Wednesday afternoon and may be touching base with you on that as well this week).

Thanks,  
Kelly

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Tulsa World Media Company  
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office | Ex. 6 - Personal Privacy

mobile | Ex. 6 - Personal Privacy

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315 S. Boulder Ave., Tulsa, OK 74103

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blog | [tulsaworld.com/KellyBostian](http://www.tulsaworld.com/KellyBostian)<<http://www.tulsaworld.com/blog>>

email | [kelly.bostian@tulsaworld.com](mailto:kelly.bostian@tulsaworld.com)<<mailto:email@tulsaworld.com>>



**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Block, Molly[block.molly@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Hewitt, James[hewitt.james@epa.gov]  
**From:** Abboud, Michael  
**Sent:** Mon 1/29/2018 8:05:12 PM  
**Subject:** Re: FOX23 Request: Tar Creek

Waiting to hear back from him now.

Sent from my iPhone

On Jan 29, 2018, at 3:04 PM, Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)> wrote:

Thanks, did you talk with David Grey?

**From:** Abboud, Michael  
**Sent:** Monday, January 29, 2018 2:46 PM  
**To:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Block, Molly <[block.molly@epa.gov](mailto:block.molly@epa.gov)>; Daniell, Kelsi <[daniell.kelsi@epa.gov](mailto:daniell.kelsi@epa.gov)>; Hewitt, James <[hewitt.james@epa.gov](mailto:hewitt.james@epa.gov)>  
**Subject:** RE: FOX23 Request: Tar Creek

I'll handle.

**From:** Ferguson, Lincoln  
**Sent:** Monday, January 29, 2018 2:42 PM  
**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Abboud, Michael <[abboud.michael@epa.gov](mailto:abboud.michael@epa.gov)>; Block, Molly <[block.molly@epa.gov](mailto:block.molly@epa.gov)>; Daniell, Kelsi <[daniell.kelsi@epa.gov](mailto:daniell.kelsi@epa.gov)>; Hewitt, James <[hewitt.james@epa.gov](mailto:hewitt.james@epa.gov)>  
**Subject:** FW: FOX23 Request: Tar Creek

**From:** Andes, Natalie (CMG-TulsaTV) [<mailto:> Ex. 6 - Personal Privacy]

**Sent:** Monday, January 29, 2018 2:40 PM  
**To:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Subject:** FOX23 Request: Tar Creek

Hi Lincoln.

I ran across a Tulsa World report that says that the EPA is asking people in Picher about the Tar Creek Superfund site. Can you tell me if that's true? If so, what is being asked of the residents in the survey? When are the results due? What's the project this is related to? What is the goal of the survey?

Thank you,

Natalie

**Natalie Andes | FOX23 Assignment Manager**

Ex. 6 - Personal Privacy office | Ex. 6 - Personal Privacy cell | Ex. 6 - Personal Privacy

<image001.jpg>

This email (including any attachments) may contain material that is confidential and for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Gray, David  
**Sent:** Wed 12/20/2017 12:26:22 AM  
**Subject:** Re: Bird Creek folo

Yes. Jan 2

Sent from my iPhone

On Dec 19, 2017, at 6:11 PM, Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)> wrote:

Of course but exit?! He isn't retiring is he?

Sent from my iPhone

On Dec 19, 2017, at 6:47 PM, Gray, David <[gray.david@epa.gov](mailto:gray.david@epa.gov)> wrote:

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Sent from my iPhone

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**From:** "Bostian, Kelly" <[Kelly.Bostian@tulsaworld.com](mailto:Kelly.Bostian@tulsaworld.com)>  
**Date:** December 19, 2017 at 5:34:06 PM CST  
**To:** "Gray, David" <[gray.david@epa.gov](mailto:gray.david@epa.gov)>  
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Wow.. I'd love to interview him about his time with EPA...  
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office | 

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mobile

fax | Ex. 6 - Personal Privacy  
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email | [kelly.bostian@tulsaworld.com](mailto:kelly.bostian@tulsaworld.com)

---

From: Gray, David [[gray.david@epa.gov](mailto:gray.david@epa.gov)]  
Sent: Tuesday, December 19, 2017 3:56 PM  
To: Bostian, Kelly  
Subject: RE: Bird Creek folo

Kelly,

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David

-----Original Message-----

From: Bostian, Kelly [<mailto:> Ex. 6 - Personal Privacy]  
Sent: Tuesday, December 19, 2017 3:16 PM  
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Thanks,  
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Kelly Bostian

Outdoors Writer

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office

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mobile

fax

Ex. 6 - Personal Privacy

315 S. Boulder Ave., Tulsa, OK 74103

twitter

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email | [kelly.bostian@tulsaworld.com](mailto:kelly.bostian@tulsaworld.com)<<mailto:kelly.bostian@tulsaworld.com>>

**To:** Bowman, Liz[Bowman.Liz@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Gray, David  
**Sent:** Tue 12/19/2017 11:47:55 PM  
**Subject:** Fwd: Bird Creek folo

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Sent from my iPhone

Begin forwarded message:

**From:** "Bostian, Kelly" <Kelly.Bostian@tulsaworld.com>  
**Date:** December 19, 2017 at 5:34:06 PM CST  
**To:** "Gray, David" <gray.david@epa.gov>  
**Subject:** RE: Bird Creek folo

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email | [kelly.bostian@tulsaworld.com](mailto:kelly.bostian@tulsaworld.com)

---

From: Gray, David [gray.david@epa.gov]  
Sent: Tuesday, December 19, 2017 3:56 PM  
To: Bostian, Kelly  
Subject: RE: Bird Creek folo

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From: Bostian, Kelly [mailto:**Ex. 6 - Personal Privacy**]  
Sent: Tuesday, December 19, 2017 3:16 PM  
To: Gray, David <gray.david@epa.gov>  
Subject: Bird Creek folo

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Kelly

Kelly Bostian

Outdoors Writer

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mobile |

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315 S. Boulder Ave., Tulsa, OK 74103

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email | [kelly.bostian@tulsaworld.com](mailto:kelly.bostian@tulsaworld.com)<<mailto:name@tulsaworld.com>>

**To:** Weekly Report Group[Weekly\_Report\_Group@epa.gov]  
**Cc:** Bowman, Liz[Bowman.Liz@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]  
**From:** Coleman, Sam  
**Sent:** Thur 7/27/2017 10:25:01 PM  
**Subject:** Weekly Update

## Ex. 5 - Deliberative Process

### **Tar Creek, Picher, Oklahoma**

EPA intends to continue field sampling to fill data gaps related to characterization of and potential risk related to sediment and surface water within the Tristate Watershed investigation area. The sampling is being accomplished through joint coordination and cooperation with Region 7; the states of Oklahoma, Missouri and Kansas; the Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee tribes; and other federal and state agencies (U.S. Fish and Wildlife, U.S. Geological Survey, Oklahoma Department of Wildlife).

The Quapaw Tribe Environmental Office will continue source material excavation at Distal 10 and hauling to the central repository. Site preparation (i.e., grubbing, haul roads) will continue at Distal 12. The Quapaw Tribe Environmental Office will continue confirmation sampling at Distal 10, under cooperative agreements with the EPA. The Oklahoma Department of Environmental Quality will continue the remedial action work at Beaver Creek under a cooperative agreement with the EPA. The ODEQ will also continue the preparation of the



Operable Unit (OU) 2 (Residential) Commerce remedial action work plan and cost estimate, and continue planning for the public meeting currently scheduled for August 15, 2017.

## **Ex. 5 - Deliberative Process**

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Samuel Coleman, P.E.

Deputy Regional Administrator

EPA Region 6

[coleman.sam@epa.gov](mailto:coleman.sam@epa.gov)

214.665.2100 Ofc

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Direct

Cell

**To:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 2/13/2018 1:18:23 AM  
**Subject:** FW: EPA Inspector General investigation 2013-14  
MOA Case Summary\_Redacted.pdf

There's a new story in the Oklahoman I guess which will run tomorrow.

**From:** Jackson, Ryan  
**Sent:** Monday, February 12, 2018 8:14 PM  
**To:** **Ex. 6 - Personal Privacy**  
**Subject:** EPA Inspector General investigation 2013-14

Justin, I have attached an investigation of the Lead Impacted Communities Relocation Assistance Trust. The EPA Inspector General redacted it for names and made it public in April 2016. I think this will better inform your stories. I hope it is something you are interested in reporting.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

**Ex. 6 - Personal Privacy**



**To:** 2017HQfirstassistants[2017HQfirstassistants@epa.gov];  
2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Dravis,  
Samantha[dravis.samantha@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Brown,  
Byron[brown.byron@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Lyons, Troy[lyons.troy@epa.gov];  
Flynn, Mike[Flynn.Mike@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Knapp,  
Kristien[Knapp.Kristien@epa.gov]; Threet, Derek[Threet.Derek@epa.gov]; Burden,  
Susan[Burden.Susan@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Grantham,  
Nancy[Grantham.Nancy@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Hupp,  
Millan[hupp.millan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Fonseca,  
Silvina[Fonseca.Silvina@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; Reeder,  
John[Reeder.John@epa.gov]; Washington, Valerie[Washington.Valerie@epa.gov]  
**From:** Knapp, Kristien  
**Sent:** Fri 7/7/2017 6:45:53 PM  
**Subject:** Weekly Report - July 7, 2017  
[July 7 2017 Weekly Report.docx](#)

Good afternoon,

Attached is the weekly report for July 7, 2017.

Thanks,

Kristien

Kristien Knapp

Special Assistant (OAR, OITA, OGC, OP)

Office of the Administrator

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# **Ex. 5 - Deliberative Process**

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## **Tar Creek Superfund Site, Ottawa County, Oklahoma**

Region 6 will conduct sampling for lead at the Tar Creek Superfund site, Operable Unit 5 in Ottawa County, OK. Data will fill data gaps related to characterization of and potential risk related to sediment and surface water within the Tristate Watershed; an area of 7 watersheds that covers approximately 437 square miles and 119 river miles. On July 13, the Oklahoma Department of Environmental Quality will sponsor a “Media Day” at the Tar Creek Site.

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**Peabody Energy Corporation Bankruptcy Settlement:** On July 6<sup>th</sup>, OECA's Acting AA signed the Peabody Energy Corporation bankruptcy settlement. The Department of Justice will now submit the signed settlement to the U.S. Bankruptcy Court for the Eastern District of Missouri for its final approval. Under the agreement, EPA will receive a total of \$35.6 million in payments to help address urgent ongoing cleanup needs at ten Superfund sites, including the Tar Creek site in Oklahoma (where lead and zinc mining created significant surface and groundwater contamination); the Taylor Springs site in Illinois (where arsenic, cadmium, chromium, lead, and zinc were found in the soil, surface

water, and groundwater); and the Caney Residential Yards site in Kansas (where smelter waste, debris, and lead contaminated soils are located in and around at least 81 residences, day care centers and schools).

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**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Abboud, Michael  
**Sent:** Thur 8/24/2017 6:59:14 PM  
**Subject:** list of press releases attached.  
List of Grant Press Releases 8.24.17.docx

Attached.

Michael Abboud

U.S. Environmental Protection Agency

Office of Public Affairs

M: Ex. 6 - Personal Privacy



**To:** Hewitt, James[hewitt.james@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Graham, Amy[graham.amy@epa.gov]  
**From:** Abboud, Michael  
**Sent:** Thur 8/24/2017 5:18:23 PM  
**Subject:** Press Release list  
List of Grant Press Releases 8.24.17.docx

Attached.

Michael Abboud

U.S. Environmental Protection Agency

Office of Public Affairs

M: Ex. 6 - Personal Privacy

**To:** Bowman, Liz[Bowman.Liz@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]  
**From:** Abboud, Michael  
**Sent:** Mon 11/27/2017 5:21:29 PM  
**Subject:** FW: Watchdog Sues Oklahoma Officials for Failing to Release Documents Withheld by Scott Pruitt

## Ex. 5 - Deliberative Process

**From:** Mike Soraghan [mailto:**Ex. 6 - Personal Privacy**]  
**Sent:** Monday, November 27, 2017 11:43 AM  
**To:** Press <Press@epa.gov>  
**Cc:** Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** FW: Watchdog Sues Oklahoma Officials for Failing to Release Documents Withheld by Scott Pruitt

Hi. I'm seeking comment on this Oklahoma suit which touches heavily on the current administrator's handling of a superfund corruption case. But I'm moving very fast and writing this for our noon edition, deadline 12:30. If the EPA has a substantive comment we can write another story for later editions.

Mike Soraghan

E&E News reporter

**Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy** (office and mobile)

**Ex. 6 - Personal Privacy**

E&E NEWS

122 C Street NW 7th Floor Washington, DC 20001

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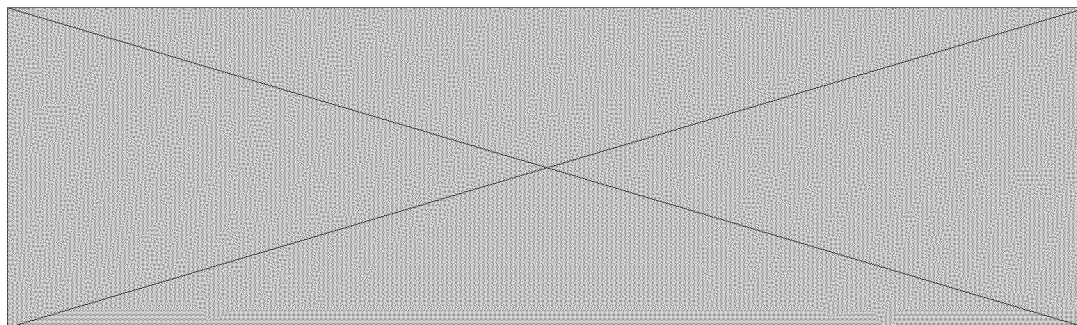
Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**From:** [info@campaignforaccountability.org](mailto:info@campaignforaccountability.org) [mailto:[info@campaignforaccountability.org](mailto:info@campaignforaccountability.org)]

**Sent:** Monday, November 27, 2017 11:20 AM

**To:** Corbin Hiar <[Ex. 6 - Personal Privacy](#)>

**Subject:** Watchdog Sues Oklahoma Officials for Failing to Release Documents Withheld by Scott Pruitt



Today, we're filing a lawsuit against the Oklahoma Attorney General and the Oklahoma State Auditor for failing to release an audit at the direction of former Oklahoma Attorney General Scott Pruitt. The State Auditor's office found evidence of criminal wrongdoing at a toxic cleanup site, but Pruitt rejected the findings and declined to bring criminal charges. Pruitt, and his successor, have denied the auditor's request, and a request from CfA, to release the findings of the audit.

<https://campaignforaccountability.org/cfa-sues-oklahoma-officials-for-failing-to-release-documents-withheld-by-scott-pruitt/>

Read our press release below.

## **CfA Sues Oklahoma Officials for Failing to Release Documents Withheld by Scott Pruitt**

FOR IMMEDIATE RELEASE: November 27, 2017

Contact: Daniel Stevens, [dstevens@campaignforaccountability.org](mailto:dstevens@campaignforaccountability.org), 202.780.5750

WASHINGTON, D.C. – Today, Campaign for Accountability (CfA), a nonprofit watchdog group focused on public accountability, filed a lawsuit in the District Court of Oklahoma County against Oklahoma Attorney General Mike Hunter and Oklahoma State Auditor and Inspector Gary Jones for failing to release copies of audits and documents related to corruption allegations associated with the management of the Tar Creek Reclamation site in the state.

[Read the complaint here.](#)

“While he was serving as the Attorney General of Oklahoma, EPA Administrator Scott Pruitt declined to bring criminal charges in response to an audit that found evidence of criminal wrongdoing at the Tar Creek Reclamation site,” said CfA Executive Director Daniel E. Stevens. “Why did he refuse to bring charges? We don’t know because the Oklahoma Attorney General’s office has repeatedly refused to release documents related to this audit.”

On April 21, 2011, then-AG Pruitt sent a letter to State Auditor Jones requesting that the Auditor’s Office investigate “suspected unlawful contracting practices of the Lead-Impacted Communities Relocation Trust (LICRAT), a Public Trust and Agency of the State of Oklahoma.” LICRAT was created to oversee the buyout and demolition of vacant homes near Tar Creek, a 40-square mile area in northeast Oklahoma contaminated by decades of lead and zinc mining. Concerns about unlawful contracting practices with LICRAT had been brought to the AG’s attention by then-U.S. Senator Tom Coburn.

While conducting the audit, the State Auditor’s office found evidence of criminal wrongdoing at the site. Jones reported his findings to Pruitt, but – without explanation – Pruitt rejected the findings and declined to bring criminal charges.

In 2015, the auditor’s office asked Pruitt to authorize the release of the LICRAT audit pursuant to the Oklahoma Open Records Act (ORA). Pruitt denied the request stating, “our office is concerned about publication of unsubstantiated criminal allegations against private citizens.” The auditor’s office disputed Mr. Pruitt’s rationale, stating that they were not aware of “any unsubstantiated claims” and that “the individuals named in the report are members of a public trust or a contractor whose services were retained as part of this substantive project.”

On November 9, 2017, CfA made an ORA request of the auditor’s office for the records, following the unsuccessful efforts of E&E News to obtain them. In response, the auditor explained that he wanted to release the records, but had been instructed not to do so by the AG’s office. CfA filed a request for the records directly with the AG’s office, which denied the request.

Mr. Stevens continued, “Scott Pruitt decided not to prosecute alleged corruption and has been trying to hide the reasons for this questionable decision from the public ever since. Oklahoma citizens deserve to know what the government is so intent to hide.”

*Campaign for Accountability is a nonprofit watchdog organization that uses research, litigation, and aggressive communications to expose misconduct and malfeasance in*

*public life and hold those who act at the expense of the public good accountable for their actions.*

This email was sent to Ex. 6 - Personal Privacy

Campaign for Accountability, 611 Pennsylvania Ave, S.E. #337, washington, dc 20003, United States  
[Unsubscribe](#)

"

**To:** Graham, Amy[graham.amy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Abboud, Michael  
**Sent:** Tue 7/18/2017 7:21:39 PM  
**Subject:** FW: Comment on Whitehouse letter?

## Ex. 5 - Deliberative Process

**From:** Amanda Reilly [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Tuesday, July 18, 2017 3:06 PM  
**To:** Press <Press@epa.gov>  
**Subject:** Comment on Whitehouse letter?

Good afternoon,

Amanda Reilly from E&E News here. Do you have a comment from EPA on the below letter sent today by Sen. Sheldon Whitehouse? My deadline is 4 p.m. Eastern.

Thanks,

Amanda

**Amanda Reilly**

E&E News legal reporter

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy (office)

Ex. 6 - Personal Privacy (mobile)

Ex. 6 - Personal Privacy

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

**FOR IMMEDIATE RELEASE**

**Contact: Rich Davidson**

**July 18, 2017**

**(202) 228-6291 (press office)**

## **Whitehouse Weighs In with Oklahoma Bar on Pruitt's Pattern of Stonewalling and Dishonesty**

***New records show Pruitt's office sat on dozens of Oklahoma Open Records Act requests related to Pruitt's relationship to industry***

***'This conduct is unbecoming of an attorney who is also a public official and who, under law, is required to testify truthfully to Congress'***

*Washington, DC* – Today, Senator Sheldon Whitehouse (D-RI) filed documents with the Oklahoma Bar Association to supplement a complaint filed against Environmental Protection Agency (EPA) Administrator Scott Pruitt, including new records suggesting Pruitt's former office stonewalled Senators during his confirmation process. Whitehouse, who is listed as a witness on the complaint, submitted a letter and exhibits to supplement the complaint showing how Pruitt evaded, misled, or obstructed members of the Senate Environment and Public Works Committee. This behavior, writes Whitehouse to the Bar Association, "initially stymied our Committee's ability to adequately discharge our advice and consent responsibilities and presently stymie its ability to conduct effective oversight of Mr. Pruitt and EPA."

The complaint, filed by the Center for Biological Diversity and Professor Kristen van de Biezenbos of the University of Oklahoma College of Law, alleges Pruitt violated the Oklahoma Bar Association's standards of professional responsibility by misleading the Committee. Pruitt

is barred in Oklahoma and served as Attorney General from 2011 to 2017 before arriving at the EPA.

“I have had a front-row seat for Mr. Pruitt’s misleading testimony and his ongoing failure to respond completely and truthfully to Committee requests for him to set the record straight,” Whitehouse writes. “This conduct is unbecoming of an attorney who is also a public official and who, under law, is required to testify truthfully to Congress.”

Whitehouse’s submissions chronicle Pruitt’s growing list of misstatements to Congress about his use of personal and government email accounts to conduct official business as Oklahoma Attorney General and communicate with industry players he is now charged with regulating – like Devon Energy and the American Fuel & Petrochemical Manufacturers.

Also included in the submission is a pair of newly released lists of Oklahoma Open Records Act (ORA) requests, which show the Oklahoma Attorney General’s office under Pruitt’s leadership sat on information directly relevant to Pruitt’s future role at the EPA. The logs show pending and completed ORA requests from the Oklahoma Attorney General’s office under Pruitt’s successor. In roughly five months on the job, current Oklahoma Attorney General Mike Hunter cleared the ORA backlog that grew under Pruitt’s watch, including over a dozen requests dating back to 2014 and 2015. Of this Pruitt backlog, at least 28 requests related to information that would be relevant to his current role at EPA, including:

- [REDACTED] Ten requests for Pruitt’s correspondence with energy companies or related organizations;
- [REDACTED] Six requests for correspondence with groups that have taken positions on matters before the EPA, such as the U.S. Chamber of Commerce and the Republican Attorney Generals Association;
- [REDACTED] Four requests for documents related to Mr. Pruitt’s attacks on the Humane Society of the United States or the right to farm;
- [REDACTED] Three requests related to Mr. Pruitt’s processing of ORA requests;
- [REDACTED] Three requests for correspondence related to matters before the EPA; and
- [REDACTED] Two requests for Mr. Pruitt’s calendars.



Democrats boycotted the Environment and Public Works Committee vote in February after he refused to provide the Committee information regarding his use of emails and his connections to industry. After Pruitt was confirmed, records released by the Oklahoma Attorney General showed he had used a personal email address to conduct state business and that he had a special alias government email address that he did not list on his documentation for the Senate.

“Mr. Pruitt’s pattern of misstatements and attempted obfuscation of his email use, linked with his ‘abjectly’ delayed ORA responses regarding those emails, has been a self-serving effort to conceal his ties to industries that have given money to him in the past, and which he now regulates,” Whitehouse concludes. “This conduct on its face appears to violate the standards of professional responsibility that Mr. Pruitt has taken an oath to uphold.”

**Full text of Whitehouse’s letter to the Bar Association is below. A PDF copy of the letter and exhibits can be accessed [here](#).**

July 18, 2017

Gina Hendryx  
General Counsel  
Oklahoma Bar Association  
1901 N Lincoln Boulevard  
PO Box 53036  
Oklahoma City, OK 73105

Dear Ms. Hendryx,

We write in reference to your ongoing investigation of Edward Scott Pruitt, a member of the State of Oklahoma Bar and former state Attorney General, who now serves as Administrator of the U.S. Environmental Protection Agency (EPA). Through this letter I am providing additional relevant information for the Bar's consideration.

On March 21, the Center for Biological Diversity and University of Oklahoma law professor Kristen van de Biezenbos filed a complaint with you alleging Mr. Pruitt's inconsistent and contradictory statements to the Senate Environment and Public Works Committee (EPW Committee) about his email use violated Rule 8.4(c) of the Oklahoma Rules of Professional Conduct. I was listed on the complaint as witness.

Although I do not have any non-public information about Mr. Pruitt's testimony before Congress, I have had a front-row seat for Mr. Pruitt's misleading testimony and his ongoing failure to respond completely and truthfully to Committee requests for him to set the record straight. His misleading answers, evasiveness, and stonewalling initially stymied our Committee's ability to adequately discharge our advice and consent responsibilities and presently stymie its ability to conduct effective oversight of Mr. Pruitt and EPA. This conduct is unbecoming of an attorney who is also a public official and who, under law, is required to testify truthfully to Congress.

### *Facts*

On December 8, 2016, President-Elect Trump announced he would nominate Mr. Pruitt to lead the EPA. On January 4, 2017, Mr. Pruitt submitted his required pre-hearing questionnaire to the EPW Committee, listing a "@me.com" email address as his "Business E-Mail." Exhibit A. E-mail use and addresses have been a significant political issue, as the Bar well knows. This was the only email address he provided on that form. It was a misstatement. At his January 18, 2017 confirmation hearing,<sup>[1]</sup> I asked Mr. Pruitt whether that disclosure form had been accurate. He responded, "The @me.com address is not a business email address, I'm not sure why it was designated as such." Exhibit B.

I then noted, "You also have an @oag.ok.gov address. Are there other email addresses that you have, are there other email address that you use for business other than your @me.com and your

@oag.ok.gov email addresses?”. Mr. Pruitt answered “[t]here are no other email addresses if that’s your question, senator.” *Id.* That has been shown to be another misstatement.

In post-hearing questions for the record, I asked Mr. Pruitt: “How many email addresses have you used since becoming Attorney General of Oklahoma? How many do you still use? Please provide the domains of all email addresses you’ve used during your time as Attorney General of Oklahoma, along with the dates used, and note whether they were personal, professional, or both.” Exhibit C. On January 24, 2017, as part of a woefully inadequate set of responses to EPW Member questions, Mr. Pruitt provided the following written response to this question:

“I have used **two e-mail addresses** since becoming Attorney General of Oklahoma. I use a personal e-mail address for personal e-mail, and **an** official e-mail address for official business. The domain of my personal e-mail address is me.com and the domain for my official e-mail address is oag.ok.gov.” (emphasis added). *Id.*

This has proven to be a third misstatement.

Despite numerous outstanding questions about Mr. Pruitt’s email practices and other issues raised by us and other Members of the EPW Committee, the Committee majority scheduled a vote to report Mr. Pruitt’s nomination to the full Senate on February 1, 2017, forcing Committee Democrats to take the drastic step of boycotting the vote.<sup>[2]</sup> Mr. Pruitt reported out of Committee without any Democrats present on February 2, 2017.

As the full Senate was considering Mr. Pruitt’s nomination, the Center for Media and Democracy filed an Open Records Act (ORA) lawsuit against the Office of Oklahoma Attorney General (OK AG) for failing to respond to its ORA requests for more than two years. The lawsuit demanded that the OK AG produce, among other things, Mr. Pruitt’s emails to certain energy companies that he would be responsible for regulating as EPA Administrator. In ordering the release of records, Judge Aletia Haynes Timmons of the Seventh District Court of Oklahoma found that there had been “[a]n abject failure to provide prompt and reasonable access to documents requested . . . .”<sup>[3]</sup> This “abject failure” can be seen as bearing on Mr. Pruitt’s intent in the several misstatements.

Mr. Pruitt was confirmed by the Senate to be EPA Administrator, over the objections of many

Senators that he was not forthcoming with the Senate on February 17, 2017.

On February 21, the OK AG's Office released 7,564 pages of Mr. Pruitt's email correspondence under the court-ordered disclosure. Documents in this disclosure showed Mr. Pruitt used his @me.com email address for business purposes, contradicting his January 24 responses to the Committee. Emails to a previously undisclosed email address, [esp@oag.ok.gov](mailto:esp@oag.ok.gov), were included in this disclosure but were not associated with Mr. Pruitt. These released documents show that people outside of the OK AG's office emailed Mr. Pruitt at the undisclosed [esp@oag.ok.gov](mailto:esp@oag.ok.gov) email address as far back as 2014 and his personal email address about official business as far back as 2013.

Emails using the @me.com address include (Exhibit D):

- August 14, 2013 email to Mr. Pruitt from Sarah K. Magruder Lyle, Vice-President of Strategic Initiatives at the American Fuel & Petrochemical Manufacturers (AFPM), copying Clayton Eubanks (then solicitor general). The email included the AFPM's Renewable Fuels Standard (RFS) waiver petition it filed with EPA and expressed AFPM's interest in Oklahoma "filing a similar waiver requests highlighting the environmental harm caused by the RFS mandate."
- April 16, 2013 email from Amy Kiose Anderson, Civil Justice Task Force Director and Oklahoma Membership Contact at the American Legislative Exchange Council (ALEC) to Mr. Pruitt, Ashley Olmstead (Pruitt's then-executive assistant), and Melissa Houston (Pruitt's then-chief of staff), copying Derek Albro (Devon Energy), regarding his remarks at an ALEC meeting. (@me.com was redacted)

On February 24, Oklahoma Fox 25 reported on emails it received in response to its long-languishing (under Attorney General Pruitt) ORA request(s) that showed Mr. Pruitt had used his personal @me.com account for official business. The story also included confirmation from the OK AG's office that Mr. Pruitt used his private email for state business. Exhibit E.

In response to the discovery that Mr. Pruitt did in fact use his personal email for official business, on March 17, 2017, Senators Carper, Sanders, Markey, Duckworth, and I requested Mr. Pruitt explain why he told the Committee that he did not. Exhibit F.

After your office indicated it was investigating a bar complaint filed against Mr. Pruitt related to his congressional testimony, Mr. Pruitt wrote to the EPW Committee acknowledging he used his personal email address to conduct official business. This was the first time he provided any hint of having used more than one official state email account, though only through an unexplained use of a plural noun. He stated:

“I believe my original response to Senator Whitehouse’s question . . . was and remains correct. But to prevent any possible confusion, I supplement my original response as follows: My practice is to conduct official business through official channels, including my state-provided email **accounts.**” (emphasis added) (internal quotation omitted). Exhibit G.

Mr. Pruitt also claimed any inaccuracies in his written statement on January 24 were “based on the best information available at the time and having only four day to complete approximately 1,100 written questions and subparts.” *Id.* The Bar should know there was no deadline for his response to the Committee—his only obligation was to provide complete and accurate answers.

On June 14, 2017, the *Washington Post* published a story, “Scott Pruitt used two government email addresses in his last job. He told Congress he used one.” [4] The story focused on emails with the [esp@oag.ok.gov](mailto:esp@oag.ok.gov) address and included confirmation from the OK AG’s office about the existence of both accounts, saying “they are both on the attorney general’s server.” *Id.* The emails show he sent and received email from this address and used it to interact with his senior staff as recently as October 2016.

- May 25, 2016 email to Mr. Pruitt from Will Gattenby (his then-press secretary), copying Mike Hunter (current Attorney General of Oklahoma who was First Assistant Attorney General at the time) and several other members of his staff, about his appearance before the House Energy & Commerce Subcommittee on Environment on the “Impact of Clean Power Plan on States.” It includes suggested answers to potential questions, including why he had not responded to Open Records Act requests.

October 5, 2016 email to Mr. Pruitt from Lincoln Ferguson (previously his press secretary in the Oklahoma Attorney General’s Office and currently an EPA spokesperson) about an interview focused on “discussing federal overreach (Clean Power Plan, DOL, ICANN)” that includes talking points. Exhibit H.

On June 15, 2017, Senators Carper, Sanders, Merkley, Markey, Duckworth, and I asked Mr. Pruitt to explain why he failed to disclose a third email account he used as Oklahoma Attorney General despite having been asked repeatedly to do so during his confirmation process. Mr. Pruitt has yet to respond.

At a June 15, 2017 hearing of the House Appropriations Subcommittee on Interior, Environment, and Related Agencies, Ranking Member Betsy McCollum mentioned Mr. Pruitt’s undisclosed [esp@oag.ok.gov](mailto:esp@oag.ok.gov) address:

“[T]here were reports that you failed to disclose an email account that you had while you were Attorney General, the one that’s [esp@oag.ok.gov](mailto:esp@oag.ok.gov), and it’s kind of distressing because at your hearing you said you only had two email addresses and now this third one came forward, so you weren’t completely accurate at the time. And Senator Whitehouse said that you’ve had several opportunities to correct the record on your emails.” Exhibit I.

Mr. Pruitt volunteered a response, referencing his May 5 letter to the EPW Committee:

“[B]oth in my oral testimony, as well as there’s a letter actually that I submitted to the EPW Committee in May, that recognized multiple state email accounts, so there’s been a consistency there, the representations that you’re citing are not accurate. So we’ve informed the Committee, that was consistent with my oral testimony.” *Id.*

As to his oral testimony, this was yet another misstatement.

### *Argument*

Mr. Pruitt has been consistently inconsistent and inaccurate in his testimony before Congress. Despite repeated opportunities to provide clear and complete answers to questions about his email use while Attorney General of Oklahoma, he has provided answers that have been wrong, incomplete, and misleading. Mr. Pruitt’s conduct before Congress, both as a nominee and since his confirmation, is no small matter.

Oklahoma Rule of Professional Conduct 8.4(c) holds it to be professional misconduct for any lawyer to “engage in conduct involving dishonesty, fraud, deceit or misrepresentation.” Comment 5 to this Rule further adds that “[l]awyers holding public office assume legal responsibilities going beyond those of other citizens.” Washington, D.C. Bar Ethics Opinion 323, which interprets a substantially similar Rule 8.4, explains that this Rule is violated by lawyers who make such unethical statements when they are not representing clients, explicitly noting “[f]alse testimony under oath in a United States court or before the Congress is prohibited.”<sup>[5]</sup> The D.C. Bar and others have found false testimony before Congress to be sanctionable behavior.<sup>[6]</sup>

Mr. Pruitt's statements about his email practices have been misleading, and appear to have been purposely designed to frustrate the Committee's ability provide advice and consent to the President and to conduct oversight of his work as Administrator. These have included:

- [REDACTED] His initial failure to disclose his official work email address in his January 4 questionnaire;
- [REDACTED] Testimony at his January 18 confirmation hearing and January 24 written response to a Question for the Record that he never used his personal email for official business, which was subsequently proven incorrect when his emails were publicly disclosed;
- [REDACTED] His January 24 written response to a Question for the Record that he had only two email addresses while Attorney General, a business and a personal account, which was again proven incorrect by the public release of emails in June linking him to a third email account, [esp@oag.ok.gov](mailto:esp@oag.ok.gov);
- [REDACTED] His May 5 letter to the Committee in which he raised the possibility, by adding an "s," after multiple representations to the contrary, that he may have had more than one official email address, without actually identifying those addresses to clarify the record;
- [REDACTED] In his June 15 testimony before a House Appropriations subcommittee during which he claimed all of his statements had been "consistent" because his May 5 letter "recognized multiple state email accounts," again without supplementing his prior answers to questions specifically asking him to disclose those accounts.

Answers about Mr. Pruitt's email conduct as Oklahoma Attorney General has direct bearing on whether he should have been confirmed by the Senate, and continue to be an essential element of conducting effective oversight over his administration of the EPA. It was only through court-ordered disclosures of his email released, after "abjectly" delayed review, and after Mr. Pruitt was confirmed that Congress learned of Mr. Pruitt's use of his personal email address to conduct state business and the [esp@oag.ok.gov](mailto:esp@oag.ok.gov) email address despite being asked about both during his confirmation process.

Email disclosures are how Congress learned of Mr. Pruitt's symbiotic relationship with the energy companies he now regulates as EPA Administrator. In a Pulitzer Prize winning investigation, *The New York Times* documented Mr. Pruitt's practice of raising political funds from energy companies such as Devon Energy and then supporting their interests through



litigation against the EPA and the regulatory process. [7] In May, *The New York Times* reported on a checklist of rollbacks by the EPA that specifically benefit long-time Pruitt benefactor Devon Energy.[8]

Additional facts have recently come to light that suggest that under Mr. Pruitt's leadership, the Office of Attorney General stonewalled public efforts to obtain records under Oklahoma Open Records Act, making his evasive and misleading answers to the Committee even more troubling. Because he successfully delayed the public disclosure of his emails before being confirmed, Congress did not know the breadth—and continues to be unsure of the full extent—of his interactions with Devon, other energy companies, and other parties interested in EPA issues before becoming EPA Administrator.

On February 2, 2017, I requested a list of all pending Open Records Act requests with the OK AG. On June 16, 2017, the OK AG responded to my request with a list of 77 then-pending ORA requests. None were beyond six months old, with the first dated December 7, 2016. Exhibit J.

The OK AG subsequently provided my office a list of 78 ORA requests that it had closed since February 2, 2017. Exhibit K. Seventy-five of those cases were closed by Mr. Pruitt's successor, and 13 of those had been filed in 2014 or 2015. In other words, in the approximately five months after Mr. Pruitt's departure, the new OK AG was able to clear up Mr. Pruitt's years-long ORA backlog so that no requests have now been pending for more than seven months. Under Mr. Pruitt's leadership, some ORA requestors waited over two years for a response.

A closer look at the backlog that accrued under Mr. Pruitt suggests this was not mere happenstance. At least 28 of the ORA requests that remained unanswered when Mr. Pruitt became EPA Administrator related to information that would be relevant to Mr. Pruitt's position at EPA, including:

- Ten requests for correspondence with energy companies or related organizations;
- Six requests for correspondence with groups that have taken positions on matters before the EPA, such as the U.S. Chamber of Commerce and the Republican Attorney Generals Association;
- Four requests for documents related to Mr. Pruitt's attacks on the Humane



Society of the United States or the right to farm;

- [REDACTED] Three requests related to Mr. Pruitt's processing of ORA requests;
- [REDACTED] Three requests for correspondence related to matters before the EPA; and
- [REDACTED] Two requests for Mr. Pruitt's calendars.

In sum, Mr. Pruitt's pattern of misstatements and attempted obfuscation of his email use, linked with his "abjectly" delayed ORA responses regarding those emails, has been a self-serving effort to conceal his ties to industries that have given money to him in the past, and which he now regulates. This conduct on its face appears to violate the standards of professional responsibility that Mr. Pruitt has taken an oath to uphold. I hope this information is of assistance to the Bar, and urge it to complete a thorough investigation into the allegations raised against him by the Center for Biological Diversity and Professor Kristen van de Biezenbos.

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[1] Making false statements to Congress is an offense punishable under 18 U.S.C. 1001 (prohibiting knowing or willful "[m]aterially false, fictitious, or fraudulent statement or representation.").

[2] Senator Tom Carper, *EPW Dems Demand Substantive, Straightforward Answers from Scott Pruitt*, Feb. 1, 2017, <https://www.epw.senate.gov/public/index.cfm/2017/2/epw-dems-demand-substantive-straightforward-answers-from-scott-pruitt>

[3] Phil McCausland, *Scott Pruitt, President Trump's EPA Nominee, Ordered to Release Thousands of Emails*, NBC News (Feb. 16, 2017, 9:26 PM EST),

<http://www.nbcnews.com/news/us-news/scott-pruitt-president-trump-s-epa-nominee-ordered-release-thousands-n722161>.

[4] Dino Grandoni, *Scott Pruitt Used Two Government Email Addresses in His Last Job. He Told Congress He Used One*, Washington Post (June 14, 2017), [https://www.washingtonpost.com/news/powerpost/wp/2017/06/14/pruitt-used-two-government-email-addresses-in-his-last-job-he-told-congress-he-used-one/?utm\\_term=.06ddebbad78c](https://www.washingtonpost.com/news/powerpost/wp/2017/06/14/pruitt-used-two-government-email-addresses-in-his-last-job-he-told-congress-he-used-one/?utm_term=.06ddebbad78c).

[5] District of Columbia Bar, *Ethics Opinion 323: Misrepresentation by an Attorney Employed by a Government Agency as Part of Official Duties*, <http://www.dcbbar.org/bar-resources/legal-ethics/opinions/opinion323.cfm> (accessed July 6, 2017).

[6] See, e.g., *In re Abrams*, 689 A.2d 6, 19 (D.C. Ct. App. 1997) (agreeing that the D.C. Board on Professional Responsibility recommendation of a one-year suspension of the law license of Elliott Abrams, an Assistant Secretary of State, for giving false testimony to the Senate Foreign Relations Committee would have been appropriate for the offense); *State ex rel. Neb. State Bar Ass'n v. Cook*, 194 Neb. 364, 388 (1975) (suspending the law license of Securities and Exchange Commission Chairman G. Bradford Cook for three years for committing perjury in grand jury and Congressional testimony); *District of Columbia Bar v. Kleindienst*, 345 A.2d 146, 149 (D.C. Ct. App. 1975) (suspending the law license of Richard Kleindienst, President Nixon's nominee to be Attorney General, for thirty days for lying at his confirmation hearing before the Senate Judiciary Committee about White House efforts to influence Department of Justice proceedings).

[7] Eric Lipton, *Energy Firms in Secretive Alliance with Attorneys General*, N.Y. Times (Dec. 6, 2014), <https://www.nytimes.com/2014/12/07/us/politics/energy-firms-in-secretive-alliance-with-attorneys-general.html>.

[8] Hiroko Tabuchi & Eric Lipton, *How Rollbacks at Scott Pruitt's E.P.A. Are a Boon to Oil and Gas*, N.Y. Times (May 20, 2017), <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>.

**To:** Bowman, Liz[Bowman.Liz@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Graham, Amy  
**Sent:** Fri 9/1/2017 6:39:41 PM  
**Subject:** FW: Request for comment from Administrator Pruitt

Ex. 5 - Deliberative Process

**From:** Mike Soraghan [mailto:[Ex. 6 - Personal Privacy](#)]  
**Sent:** Friday, September 1, 2017 1:27 PM  
**To:** Graham, Amy <graham.amy@epa.gov>  
**Subject:** Request for comment from Administrator Pruitt

Ms. Graham,

Hi. Mike Soraghan here at E&E. I'm writing a story today about Mr. Pruitt and the Tar Creek Superfund site in northeast Oklahoma. I took a look at it because of Pruitt's work with the site, as documented during his confirmation, and his current emphasis on Superfund.

As Oklahoma Attorney General, Mr. Pruitt requested an audit of the organization handling the buyout of certain residents in 2011 and said in 2015 he would not bring charges. Mr. Pruitt also rejected the state auditor's request that the audit be publicly released. Mr. Jones, open government advocates and other officials have said it should have been released in 2015 and should be released now.

I'm seeking general comment for my story, and an answer to this question: given his emphasis on Superfund, would Mr. Pruitt revise his earlier position and urge the current attorney general to release the audit to the public? I'm trying to finish my reporting today, but I could add something as late as Monday evening.

Thank you for your help,

Mike Soraghan

E&E News reporter

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## **E&E NEWS**

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**Cc:** Press[Press@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/12/2018 1:06:22 AM  
**Subject:** Re: resubmitting request

## Ex. 5 - Deliberative Process

Sent from my iPhone

On Apr 11, 2018, at 8:59 PM, Sharon Lerner <Ex. 6 - Personal Privacy> wrote:

To the press team-

I am again requesting comment for an article about the audit of Tar Creek Superfund site in Oklahoma, which was released on Monday. In particular, my piece mentions that Scott Pruitt refused to release the audit, which OK Auditor Gary Jones turned in to him in January of 2014.

My question for administrator Pruitt is: Why did he not release the audit when it was presented to him in 2014?

I also quote Daniel Stevens, executive director of the Campaign for Accountability, the nonprofit that sued to get the audit released, who noted that Pruitt has a close relationship with Sen. Inhofe and that Inhofe may find the audit embarrassing.

Finally, Stevens said that: "This whole situation is about the way Pruitt handled alleged wrongdoing at one site. He now oversees the entire Superfund program across the country. What does this mean about how he's running the entire program?"

Would you like to comment on any of this? If so, please let me know 10 am tomorrow, Thursday.

Thank you,  
Sharon

**Sharon Lerner**  
**Reporter**  
**The Intercept**  
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Click here (and scroll down) to read recent stories:

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PGP:

CB29 D9FF 9285 3205 087E 83A1 0C30 2F39 4F30 8BFE



**To:** Press[Press@epa.gov]  
**From:** Sharon Lerner  
**Sent:** Thur 4/12/2018 12:59:30 AM  
**Subject:** resubmitting request  
[signature.asc](#)

To the press team-

I am again requesting comment for an article about the audit of Tar Creek Superfund site in Oklahoma, which was released on Monday. In particular, my piece mentions that Scott Pruitt refused to release the audit, which OK Auditor Gary Jones turned in to him in January of 2014.

My question for administrator Pruitt is: Why did he not release the audit when it was presented to him in 2014?

I also quote Daniel Stevens, executive director of the Campaign for Accountability, the nonprofit that sued to get the audit released, who noted that Pruitt has a close relationship with Sen. Inhofe and that Inhofe may find the audit embarrassing.

Finally, Stevens said that: "This whole situation is about the way Pruitt handled alleged wrongdoing at one site. He now oversees the entire Superfund program across the country. What does this mean about how he's running the entire program?"

Would you like to comment on any of this? If so, please let me know 10 am tomorrow, Thursday.

Thank you,  
Sharon

**Sharon Lerner**  
**Reporter**  
**The Intercept**  
**mobile/signal** Ex. 6 - Personal Privacy  
Ex. 6 - Personal Privacy

Click here (and scroll down) to read recent stories:

<https://theintercept.com/staff/sharon-lerner/>

Subscribe @ <http://sharonlerner.com/>

PGP:

CB29 D9FF 9285 3205 087E 83A1 0C30 2F39 4F30 8BFE

**To:** Press[Press@epa.gov]; Jones, Enesta[Jones.Enesta@epa.gov]  
**From:** Sharon Lerner  
**Sent:** Wed 4/11/2018 12:53:25 PM  
**Subject:** comments for article on audit related to Tar Creek Superfund site  
[signature.asc](#)

Hi Press team -

I'm writing to request comment for an article about the audit of Tar Creek Superfund site in Oklahoma, which was released on Monday. In particular, my piece mentions that Scott Pruitt refused to release the audit, which OK Auditor Gary Jones turned in to him in January of 2014.

I also quote Daniel Stevens, executive director of the Campaign for Accountability, the nonprofit that sued to get the audit released, who noted that Pruitt has a close relationship with Sen. Inhofe and that Inhofe may find the audit embarrassing.

Finally, Stevens said that: "This whole situation is about the way Pruitt handled alleged wrongdoing at one site. He now oversees the entire Superfund program across the country. What does this mean about how he's running the entire program?"

Would you like to comment on any of this? If so, please let me know by 11 am today.

Thanks,  
Sharon

**Sharon Lerner**  
**Reporter**  
**The Intercept**  
**mobile/signal** Ex. 5 - Deliberative Process  
Ex. 5 - Deliberative Process

Click here (and scroll down) to read recent stories:

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PGP:

CB29 D9FF 9285 3205 087E 83A1 0C30 2F39 4F30 8BFE



**To:** Press[Press@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Rebecca Nagle  
**Sent:** Mon 1/22/2018 6:30:52 PM  
**Subject:** Re: Comments on Tar Creak

Good afternoon. I still have not heard back from your office. Is there a person who can provide comment today?

Rebecca

On Fri, Jan 19, 2018 at 1:26 PM Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

**Ex. 5 - Deliberative Process**

-----Original Message-----

From: Rebecca Nagle [mailto:**Ex. 6 - Personal Privacy**]  
Sent: Friday, January 19, 2018 1:49 PM  
To: Press <Press@epa.gov>  
Subject: Comments on Tar Creak

My name is Rebecca Nagle and I am a writer with ThinkProgress. I am writing to ask for comment on the Tar Creek Superfund site and wanting to speak with some one in Albert Kelly's office.

Thank you  
Rebecca

--

Sent from my phone. Please excuse brevity and typos.

**To:** Rebecca Nagle [Ex. 6 - Personal Privacy] Press[Press@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Fri 1/19/2018 7:26:42 PM  
**Subject:** RE: Comments on Tar Creak

Will handle.

-----Original Message-----

**From:** Rebecca Nagle [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Friday, January 19, 2018 1:49 PM  
**To:** Press <Press@epa.gov>  
**Subject:** Comments on Tar Creak

My name is Rebecca Nagle and I am a writer with ThinkProgress. I am writing to ask for comment on the Tar Creek Superfund site and wanting to speak with some one in Albert Kelly's office.

Thank you  
Rebecca

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]  
**From:** Bowman, Liz  
**Sent:** Tue 7/18/2017 3:58:06 PM  
**Subject:** FW: Huffpost piece

FYI ...

**From:** Hewitt, James  
**Sent:** Tuesday, July 18, 2017 11:47 AM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** Huffpost piece

[http://www.huffingtonpost.com/entry/scott-pruitt-ethics-probe\\_us\\_596cf43ce4b0e983c05800ed?ncid=inblnkushpmg00000009](http://www.huffingtonpost.com/entry/scott-pruitt-ethics-probe_us_596cf43ce4b0e983c05800ed?ncid=inblnkushpmg00000009)

## Senator Joins Ethics Probe That Could Get EPA Chief Scott Pruitt Disbarred

The former Oklahoma attorney general is under investigation for misleading Congress about his emails.

By Alexander C. Kaufman

Environmental Protection Agency Administrator Scott Pruitt has been caught repeatedly misleading Congress about his use of different email accounts during his six years as Oklahoma's attorney general.

Pruitt's deep ties to fossil fuel industries whose pollution he's now charged with policing became a lightning rod during his confirmation process. Correspondence published by The New York Times in 2014 as part of a Pulitzer Prize-winning series showed Pruitt allowing lawyers from Devon Energy, an oil and gas company, to write a complaint to the EPA under his official letterhead. Since taking office, Pruitt has spent an unusual amount of time courting fossil fuel executives amid aggressive rollbacks of regulations

and programs to address climate change.

AMERICAN OVERSIGHT REQUEST ID: 18-00002375-00002

In June, the second cache of emails handed over to the Wisconsin-based watchdog group revealed that Pruitt used two addresses for the Oklahoma attorney general's office: [scott.pruitt@oag.ok.gov](mailto:scott.pruitt@oag.ok.gov), and [esp@oag.ok.gov](mailto:esp@oag.ok.gov). The latter, as [The Washington Post](#) noted, used the initials for Pruitt's full name, Edward Scott Pruitt.

AMERICAN OVERSIGHT REQUEST ID: 18-00002375-00002

James Hewitt

Environmental Protection Agency

Special Advisor for Public Affairs

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**To:** Brown, Byron[brown.byron@epa.gov]  
**Cc:** Fonseca, Silvina[Fonseca.Silvina@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]  
**From:** Brooks, Becky  
**Sent:** Mon 7/24/2017 6:01:14 PM  
**Subject:** FW: Petitions for Reconsideration of RMP Amendments rule  
[STATES Petition for Reconsideration & Stay.pdf](#)  
[2017-03-14 - Supplement to CSAG Petition for Reconsideration 64280318 3.pdf](#)  
[RMP Coalition petition for judicial review 3-13-17.pdf](#)  
[2017-03-13 CSAG Petition for Reconsideration.pdf](#)  
[RPM Coalition - Cover Letter and Petition for Reconsideration and Stay.pdf](#)

Hi Byron -- Following up on the RMP meeting this morning, attached are the petitions EPA received.

David – Including you on this email, in case you don't have them. Becky

*Becky Brooks*

*Special Assistant*

*Office of Land and Emergency Management*

*U.S. Environmental Protection Agency*

ph. Ex. 6 - Personal Privacy

**From:** Franklin, Kathy  
**Sent:** Monday, July 24, 2017 12:40 PM  
**To:** Brooks, Becky <Brooks.Becky@epa.gov>  
**Cc:** Jennings, Kim <Jennings.Kim@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Doster, Brian <Doster.Brian@epa.gov>; Averbach, Jonathan <Averbach.Jonathan@epa.gov>  
**Subject:** Petitions for Reconsideration of RMP Amendments rule

Becky: FYI, attached are petitions for reconsideration of the RMP Amendments rule published 1/13/17 from three groups: RMP Coalition, Chemical Safety Advocacy Group (CSAG) and a group of 11 states (Louisiana, Arizona, Arkansas, Florida, Kansas, Texas, Oklahoma, South Carolina, Wisconsin, West Virginia, and Kentucky). There is also a supplement to the CSAG petition and a petition for judicial review from the RMP Coalition.

Kathy Franklin

USEPA, Office of Emergency Management

WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A

1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)

Phone: Ex. 6 - Personal Privacy

Email: [franklin.kathy@epa.gov](mailto:franklin.kathy@epa.gov)